



JOSEPH S. PAXTON
County Administrator



ROCKINGHAM COUNTY

BOARD OF SUPERVISORS

PABLO CUEVAS

Election District No. 1

FREDERICK E. EBERLY

Election District No. 2

RICK L. CHANDLER

Election District No. 3

WILLIAM B. KYGER, JR.

Election District No. 4

MICHAEL A. BREEDEN

Election District No. 5

BOARD OF SUPERVISORS MEETING

January 28, 2015

6:00 P.M. CALL TO ORDER – CHAIRMAN MICHAEL A. BREEDEN
INVOCATION – SUPERVISOR RICK L. CHANDLER
PLEDGE OF ALLEGIANCE – ASSISTANT COUNTY ADMINISTRATOR
GEORGE K. ANAS, II
APPROVAL OF MINUTES – REORGANIZATIONAL MEETING OF
JANUARY 14, 2015

Recess

Special Meeting of Countryside Sanitary District

1. Call to Order – Chairman Michael A. Breeden
2. Approval of Minutes – Special Meeting of April 11, 2012
3. Reorganization of Board for 2015
 - a. Election of Chairman
 - b. Election of Vice-Chairman
4. Establish an Annual Reorganizational Meeting to be held at the Annual Reorganizational Meeting of the Rockingham County Board of Supervisors
5. Authorize the Rockingham County Board of Supervisors to Sign a Temporary Construction Easement between Countryside Sanitary District and Rockingham County
6. Adjourn

Special Meeting of Lilly Subdivision Sanitary District

1. Call to Order – Chairman Michael A. Breeden
2. Approval of Minutes – Meeting of April 11, 2012
3. Reorganization of Board for 2015
 - a. Election of Chairman
 - b. Election of Vice-Chairman
4. Establish an Annual Reorganizational Meeting to be held at the Annual Reorganizational Meeting of the Rockingham County Board of Supervisors
5. Adjourn

Special Meeting of Penn Laird Sewer Authority

1. Call to Order – Chairman Michael A. Breeden
2. Approval of Minutes – Meeting of March 28, 2012
3. Reorganization of Board for 2015
 - a. Election of Chairman
 - b. Election of Vice-Chairman
4. Establish an Annual Reorganizational Meeting to be held at the Annual Reorganizational Meeting of the Rockingham County Board of Supervisors
5. Adjourn

Special Meeting of Smith Creek Water and Waste Authority

1. Call to Order – Chairman Michael A. Breeden
2. Approval of Minutes – Meeting of March 28, 2012
3. Reorganization of Board for 2015
 - a. Election of Chairman
 - b. Election of Vice-Chairman
4. Establish an Annual Reorganizational Meeting to be held at the Annual Reorganizational Meeting of the Rockingham County Board of Supervisors
5. Adjourn

Resume Regular Meeting

1. Report – Virginia Department of Transportation – Residency Administrator
Donald F. Komara

2. Staff Reports:
 - a. County Administrator – Joseph S. Paxton
 - b. County Attorney – Thomas H. Miller, Jr.
 - c. Deputy County Administrator – Stephen G. King
 - d. Assistant County Administrator – George K. Anas, II
 - e. Director of Finance – James L. Allmendinger
 - f. Director of Public Works – Barry E. Hertzler
 - g. Director of Community Development – Casey B. Armstrong
 3. Committee Reports: Airport, Automobile, Buildings and Grounds, Central Shenandoah Planning District Commission, Chamber of Commerce, Community Criminal Justice Board, Finance, Harrisonburg-Rockingham Metropolitan Planning Organization, Harrisonburg-Rockingham Regional Sewer Authority, Technology, Massanutten Regional Library, Public Works, Shenandoah Valley Partnership, Social Services, VACo Liaison, Chairman, Other
 4. Committee Appointment:
 - a. Central Shenandoah Planning District Commission
- 7:00 p.m. 5. Public Hearing – Ordinance Amendments:
- AFP14-272, Amendment to Section 17-504.02. Description of the Dry River Agricultural and Forestal District to remove Tax Map #105-(A)- L164 due to the vacating of the line between this parcel and parcel 105-(A)- L165, to remove Tax Map #107-(A)- L91LE due to the vacating of the lines between this parcel and parcel 107-(A)- L91, and to add Tax Map #106-(A)- L28A due to the creation of this parcel from parcel 106-(A)- L28 which currently is in the district. The boundaries and the acreage of the district are not changed. The Dry River Agricultural and Forestal District is in Election Districts 2 and 4.
- AFP14-275, Amendment to Section 17-510.02. Description of the Western Rockingham Agricultural and Forestal District to remove Tax Map #92-(A)- L174A due to the vacating of the lines between this parcel and parcel 92-(A)- L174. The boundaries and the acreage of the district are not changed. The Western Rockingham Agricultural and Forestal District is in Election Districts 2 and 4.
- OA14-314, Table 17-606 Land Use and Zoning Table, Retail Uses, Auction facility. Add to A-1 by special use permit with supplemental standards (SU*)
- OA14-315, Amendment to Chapter 17 (Zoning Ordinance) of the Rockingham County Code, Section 17-607 Supplemental Standards for Certain Land Uses, Auction facility, add A-1 zoning district.

OA14-320, Amendment to Chapter 17 (Zoning Ordinance) of the Rockingham County Code, Table 17-606 Land Use and Zoning Table, Institutional Uses, Public safety facility. In the S-1 zoning district change public safety facility from SU (special use permit) to P (permitted).

OA14-321, Amendment to Chapter 17, (Zoning Ordinance) of the Rockingham County Code, Table 17-805.01 Area, Setback, and Height Standards - Conventional, S-1 Public Service, to remove accessory structure requirements from table. Accessory structures will have same requirements as primary structures.

OA14-322, Amendment to Chapter 17 (Zoning Ordinance) of the Rockingham County Code, Table 17-606 Residential Uses to remove apartment building as a permitted use in the B-1 and B-2 zoning districts.

6. Unfinished Business

*** ADJOURN ***

January 14, 2015

The Organizational Meeting of the Rockingham County Board of Supervisors was held on Wednesday, January 14, 2015, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1, left at 5:06 p.m.
FREDERICK E. EBERLY, Election District #2
RICKY L. CHANDLER, Election District #3, left at 6:00 p.m.
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

LOWELL R. BARB, Commissioner of the Revenue
BRYAN F. HUTCHESON, Sheriff

JOSEPH S. PAXTON, County Administrator
THOMAS H. MILLER, JR., County Attorney
STEPHEN G. KING, Deputy County Administrator
GEORGE K. ANAS, II, Assistant County Administrator
JAMES L. ALLMENDINGER, Director of Finance
CASEY B. ARMSTRONG, Director of Community Development
ANN MARIE FREEMAN, Director of Court Services
LISA B. GOODEN, Registrar
BARRY E. HERTZLER, Director of Public Works
JEREMY C. HOLLOWAY, Fire & Rescue Chief
KATHARINE S. McQUAIN, Director of Parks and Recreation
JENNIFER J. MONGOLD, Director of Human Resources
TERRI M. PERRY, Director of Technology
RHONDA H. COOPER, Director of Planning
DIANA C. STULTZ, Zoning Administrator
JAMES B. MAY, Planner
TAMELA S. GRAY, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
JEREMY S. MASON, Assistant Residency Administrator
Virginia Department of Transportation

oooooOooooo

**CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE.**

Administrator Paxton called the meeting to order at 3:00 p.m.

Supervisor Chandler gave the Invocation and Assistant County Administrator Anas led the Pledge of Allegiance.

oooooOooooo

APPROVAL OF MINUTES.

On motion by Supervisor Kyger, seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; the Board approved the minutes of the regular meeting of December 10, 2014 with a correction to the last paragraph under the Transportation Department section to state “Supervisor Chandler asked if it would be possible to eliminate truck traffic on Pleasant Valley Road (Route 679)”.

oooooOooooo

2015 REORGANIZATION OF THE BOARD.

ELECTION OF CHAIRMAN AND VICE CHAIRMAN.

On motion by Supervisor Kyger, seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY – AYE; KYGER – AYE; the Board elected Michael A. Breeden as Chairman for 2015.

Administrator Paxton turned the meeting over to Chairman Breeden.

On motion by Supervisor Cuevas, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS – AYE; EBERLY – AYE; KYGER - AYE; the Board elected William B. Kyger, Jr. as Vice-Chairman for 2015.

PRESENTATION TO 2014 CHAIRMAN.

Chairman Breeden presented a plaque to 2014 Chairman Cuevas in recognition of his leadership during the past year.

SETTING OF DAY AND TIME OF REGULAR MEETINGS.

Administrator Paxton reviewed a motion prepared to establish the day and time of regular meetings in 2015. He noted two proposed changes from the normal meeting dates in November and December, since there is only one meeting each of those months. November 18 was proposed as the meeting date in November since the usual November meeting date falls on Veteran's Day. He suggested the December meeting be held on December 9 so it would not fall too close to Christmas if it needs to be postponed due to inclement weather.

On motion by Supervisor Chandler, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board set the 2015 meeting schedule as follows: beginning with this meeting held on January 14, 2015, and each second Wednesday thereafter, the first meeting of the month shall commence at 3:00 p.m. and beginning January 28, 2015, and each fourth Wednesday of each month thereafter, the second meeting of the month shall commence at 6:00 p.m., with the following exceptions: the first meeting in April, on April 8, 2015 which will include a public hearing on the proposed budget for FY 2015-16 will be held at Turner Ashby High School and will begin at 2:00 p.m. In addition, there will be only one meeting held in November on November 18, 2015, at 3:00 p.m., and in December on December 9, 2015, at 3:00 p.m.

With regard to meetings delayed due to inclement weather, if a meeting cannot be held due to inclement weather or for any reason as determined by the Chairman, or the Vice-Chairman if the Chairman is not available, the meeting will be held at the scheduled time on the following Wednesday, unless otherwise determined by the Board.

ooooOoooo

REVIEW OF COMMITTEE ASSIGNMENTS.

The Board received the following draft of the 2015 Chairman's Committee appointments:

BOARD OF SUPERVISORS 2015 Chairman's Committee Appointments

BOARD COMMITTEES:

BUILDINGS AND GROUNDS

Frederick Eberly
Rick Chandler

FINANCE

Michael Breeden
Pablo Cuevas

PUBLIC WORKS

Pablo Cuevas
Michael Breeden

PERSONNEL-RELATED (Ad Hoc)

Chairman
Vice-Chairman

AUTOMOBILE

William Kyger
Rick Chandler

LIAISON COMMITTEES:

CITY-COUNTY LIAISON

Pablo Cuevas
Michael Breeden

**AUGUSTA/ROCKINGHAM
LIAISON COMMITTEE**

William Kyger
Rick Chandler

SCHOOL BOARD LIAISON

Pablo Cuevas
Frederick Eberly

TOWNS/COUNTY LIAISON

Chairman
Town's Board Member

OTHER COMMITTEES:

**CENTRAL SHENANDOAH PLANNING
DISTRICT COMMISSION**

Rick Chandler
Casey Armstrong

TECHNOLOGY COMMITTEE

Frederick Eberly
Rick Chandler

**SOCIAL SERVICES
ADVISORY BOARD**

Michael Breeden

REGIONAL JAIL COMMITTEE

Frederick Eberly
Pablo Cuevas

CHAMBER OF COMMERCE

Rick Chandler

MASSANUTTEN REGIONAL LIBRARY

Frederick Eberly

**COMMUNITY CRIMINAL
JUSTICE BOARD**

Pablo Cuevas
County Administrator

RELATED LANDS (Federal)

Michael Breeden
Rhonda Cooper

VACO BOARD

William Kyger

WORK FORCE INVESTMENT BOARD

George Anas
Michele Bridges, alternate

METROPOLITAN PLANNING ORGANIZATION

Rick Chandler	Frederick Eberly, Alternate
William Kyger	Stephen King, Alternate
Joseph Paxton	Casey Armstrong, Alternate

oooooOooooo

RECOGNITION – MICHAEL REILLY, PHOTOJOURNALIST, *DAILY NEWS-RECORD*.

Administrator Paxton read a resolution honoring Michael Reilly upon his retirement.

On motion by Supervisor Kyger, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; the Board approved the following resolution:

RESOLUTION

WHEREAS, Michael Reilly recently retired after forty-one years of faithful and dedicated service for our community, using his unique skill and perspective through photography to capture important events for the Daily News-Record, the Harrisonburg and Rockingham County community's largest newspaper; and

WHEREAS, Mr. Reilly was first employed by Allen Litten as a part-time photographer as a teenager while attending Harrisonburg High School, where he graduated from in 1968; and

WHEREAS, Mr. Reilly began full-time employment with the Daily News-Record in 1973, continuing a family legacy that saw his father, Vincent, serve as sports editor from 1947 to 1963 and his uncle, William, as managing editor from 1955 to 1961; and

WHEREAS, Mr. Reilly, a life-long Valley resident, will be forever known for his ability to find impressive images that gain the essence of the Shenandoah Valley and for the visual history that he has created from covering the many local events that have impacted our community; and

WHEREAS, Mr. Reilly's exceptional perspective and view, particularly in sporting events, landscape and outdoor photographs, has been recognized by his peers in his winning numerous awards; and

WHEREAS, taking pictures has remained the same, Mr. Reilly has seen many progressive and innovative improvements in photographic technology during his career, to the extent that Mr. Reilly previously processed his own film and developed his own photographs in the dark room, while today such images are available instantaneously in digital format; and

WHEREAS, Mr. Reilly, an untiring and dedicated photojournalist, has helped to inform the citizens of Rockingham County of local and national events and activities, and has developed a visual history for our community for over forty-one years, retired on December 31, 2014.

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors, on behalf of the citizens of Rockingham County, expresses its deep appreciation and sincere gratitude to Michael Reilly for his quality photojournalism and wishes him well in his retirement.

Chairman Breeden presented a framed resolution to Mr. Reilly and thanked him for his dedicated service.

Mr. Reilly extended appreciation to citizens in Virginia and West Virginia, as well as *Daily News-Record* employees, indicating he could not have done his job without them.

oooooOooooo

2014 BRENT BERRY FOOD DRIVE UPDATE.

James William “Bucky” Berry provided an update on the 2014 food drive he and his son, Brent, coordinated to benefit the Salvation Army. He informed the Board that one out of 10 people (approximately 10,000 people) in Harrisonburg and Rockingham County are going to bed hungry. He said 78% of local school children receive free lunches. The Salvation Army is serving 500 families a month and the food collected during the recent drive will provide those families with meals for four months. Over the last six years, the Brent Berry Food Drive has collected \$195,000 worth of food for the community and citizens have donated 300 hours at the collection sites. Mr. Berry commended Sheriff Hutcheson and his staff for helping unload the City transit buses.

Brent Berry noted local people would go hungry without the food collected during his food drives. They collect food 12 hours a day, seven days a week, rain or shine to benefit the citizens in Harrisonburg and Rockingham County.

Speaking on behalf of the Board, Chairman Breeden expressed appreciation to the Berry family.

oooooOooooo

COMMISSIONER OF THE REVENUE – TAX REFUND.

Commissioner of the Revenue Lowell R. Barb presented a refund request from Perdue Farms LLC for an overpayment of calendar year 2014 real estate taxes in the amount of \$27,196.80 plus interest of \$451.57 for a total of \$27,648.37.

Mr. Barb reported that Perdue filed an appeal with the Board of Equalization in December, which decided the refund was necessary to equalize the assessment.

Administrator Paxton indicated the rationale for this refund is unique to Perdue because of the way their assessment was prepared. Staff does not expect additional similar requests.

On behalf of the Finance Committee, on motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board directed the Treasurer to refund \$27,648.37 to Perdue Farms LLC for overpayment of real estate taxes in calendar year 2014.

ooooOoooo

TRANSPORTATION DEPARTMENT.

Mr. Komara introduced Ruben Rhodes, an associate engineer who graduated from Turner Ashby High School and Virginia Tech, who will be working with VDOT during the next month or two.

The Board heard Mr. Komara's report on the activities of the Transportation Department.

The Southeast Connector (Route 280) project is moving along well with the exception of issues with a utility company that needs to move poles and run new lines. In response to a question from Administrator Paxton, Mr. Komara indicated VDOT plans to wait until work begins, hopefully in March, before rerouting traffic along Boyers Road (Route 704) to allow for the construction of that portion of the connector road. He noted a large amount of dirt needs to dry out before this work can be accomplished.

VDOT obtained second bids on the East Side Highway (Route 340) project in Elkton. Since the first bids were high, VDOT changed some quantities and included additional needs. The lowest bidder both times was DLB. VDOT has accepted their latest bid, and work will begin in April.

Mr. Komara noted VDOT is staking the improvements to Sapling Ridge Road (Route 634) and Dovel Road (Route 665), which will be constructed using rural rustic road standards. He received favorable feedback from residents on Sapling Ridge Road (Route 634).

VDOT has expended a great deal of time on snow removal this season, as there have already been 13 events. Many of these events were insignificant, but snow removal crews were mobilized and available for pending inclement weather.

On the maintenance side, VDOT has been working on gravel roads and hauling stone, as well as cutting brush.

Mr. Komara noted that he and Mr. King attended a House Bill 2 video conference about prioritizing projects.

Administrator Paxton asked about a list, by district, indicating what allocations would have been this year with the proposed formula, to allow the County to determine how funding is proposed to be distributed. He indicated Senator Newman planned to introduce a bill requiring a certain amount of funds be set aside to try to hold each district harmless, but that bill was not introduced because Senator Newman understood that the compromise announced by Governor McAuliffe and Chairman Jones would address current funding levels. Administrator Paxton said he would like concrete numbers so he can discuss the issue with Delegate Landes and others.

Mr. Komara indicated VDOT is working through the numbers and indicated other localities have expressed concern regarding the establishment of a rural rating. He noted the congestion rating carries a heavier weight in the Northern Virginia and Hampton Roads areas. VDOT wonders if Harrisonburg is competing with larger jurisdictions since the City is classified as an urban area.

Mr. King indicated VDOT might not be able to determine the amount of funding localities would have received. He advised that instead of using a formula, the State is using a scoring system that takes subjective scoring and attempts to make it objective in order to make a comparison, but the scoring system is not necessarily tied to funding. The Tidewater area could have a different scoring breakdown than another area. He understands the scoring formula will be more objective in five to ten years, so funding can be applied to the formula.

Supervisor Kyger advised pot holes are forming on Ford View Road (Route 691). VDOT placed big stones on the road during the fall maintenance. In previous years, crusher run was applied and rolled flat. It held in place longer than using big stones. Supervisor Kyger requested that VDOT use crusher run if patchwork is performed this winter. He also suggested this road is a candidate for improvement as a rural rustic road even though it weaves in and out of Augusta County. Mr. Mason indicated Captain Shands Road (Route 690) is a candidate to be improved as a rural rustic project, but Ford View Road (Route 691) is not. Supervisor Kyger reiterated applying crusher run and rolling it would be helpful, since there is not much traffic on Ford View Road (Route 691).

Supervisor Chandler noted citizens on the eastern portion of Pleasant Valley Road (Route 679) are looking forward to the installation of "Caution – School Bus Stop Ahead" signs. Supervisor Chandler informed Pleasant Valley Road residents that Mr. Komara would look into the truck traffic issue. Mr. Komara noted VDOT looked at that previously and the road cannot go straight past the gun shop because there is "No Through Truck Traffic" on Shen Lake Drive (Route 689). He said tractor-trailers cannot negotiate a right-hand turn to go to Cross Keys Road (Route 276). Supervisor Chandler stated trucks could turn left onto Oak Shade Road (Route 676), travel to Port Republic Road (Route

253) and then proceed to the Cross Keys intersection. Pleasant Valley Road (Route 679) heading east is narrow and winding with the road becoming worse from Oak Shade Road (Route 676) to Cross Keys Road (Route 276). Mr. Komara stated if VDOT could work with landowners to make spot improvements where there are rock outcroppings, Pleasant Valley Road (Route 679) could make a straight shot to Cross Keys Road (Route 276). Supervisor Chandler suggested improvements be made at the end of Spaders Church Road (Route 689) near Port Republic Road (Route 253). Mr. Komara will continue to look into possible improvements.

In response to a question from Chairman Breeden, County Attorney Miller indicated that while the boundary line between Rockingham and Page counties remained the same, some of the lots that were created over the past number of years are in Rockingham County, but continued to be taxed by Page County. This matter has since been corrected by the two governing bodies effective January 1, 2015. Chairman Breeden informed Mr. Komara that those residents affected by this change have requested that one and a half to two miles of Batman Road (a private road) in Rockingham County be brought into the VDOT system and maintained by VDOT. Chairman Breeden advised that he does not believe the road currently meets standards for such a consideration and thinks it would be expensive to make the necessary road improvements to meet the standards, but he asked Mr. Komara to schedule a meeting to discuss the requirements with the citizens.

On another matter, Chairman Breeden advised that a car has run into a house on Newtown Road (Route 759) in Elkton twice in the last seven years. A vehicle recently hit a hump and “jumped” into the second story of the home. He asked if VDOT could install safety improvements such as a guardrail, reduce the speed limit or make other changes to the road, to prevent this from happening again.

oooooOooooo

2014 ELECTION AND ACCEPTANCE OF ABSTRACTS OF VOTES.

Registrar Lisa Gooden introduced Rebecca Ruckman, Vice Chair, and Susan Threewitts, Secretary, of the Electoral Board.

On behalf of the Registrar’s office and Electoral Board, Mrs. Gooden thanked the Board for providing new electronic poll books and expressed appreciation to numerous County departments for their assistance before, during and after the election. The Electoral Board, Registrar staff and 151 election officers worked tirelessly to ensure citizens who were voting had a pleasant experience.

Mrs. Gooden reported that during visits at the four county high schools, a group of nine responsible and interested high school government students offered to serve as volunteer Student Election Pages and some were assigned to several voting precincts. According to surveys submitted by paid Election Officers, the work of these students was highly commended. She hopes this program will continue in the future. Mrs. Gooden also

noted that 66 students and one teacher completed new voter application forms during the school visits.

During the 2014 election, voters had to provide photo identification in order to vote. Mrs. Gooden stated there were minimal issues involving this change in the law.

Mrs. Lisa Gooden indicated 45 percent of registered County voters participated in the 2014 general election compared to 41 percent in the 2010 general election. The precincts with the highest voter turnout for this election were Cross Keys with 54 percent, Montezuma with 50 percent, and 48 percent each at Dayton, Silver Lake and Massanetta Springs.

On motion by Supervisor Kyger, seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER – AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; the Board accepted the report from the Registrar and instructed the Clerk to spread the following abstracts of votes from the 2014 General Election in the minutes:

ABSTRACT of VOTES

Cast in ROCKINGHAM COUNTY, VIRGINIA
at the 2014 November General Election held on November 04, 2014 for,

United States Senate

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED (IN FIGURES)

Ed W. Gillespie - Republican	14,744
Mark R. Warner - Democrat	3 5,32
Robert C. Sarvis - Libertarian	540
Total Write-In Votes	19
Total Number of Overvotes for Office	0

ABSTRACT of VOTES

Cast in ROCKINGHAM COUNTY, VIRGINIA
at the 2014 November General Election held on November 04, 2014 for,

Member House of Representatives

District: 06

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED (IN FIGURES)

Robert W. "Bob" Goodlatte - Republican	15,908
William M. "Will" Hammer - Libertarian	2,091
Elaine B. Hildebrandt – Independent Green	1,891
Total Write-In Votes	205
Total Number of Overvotes for Office	0

ABSTRACT of VOTES

Cast in the County/City of Rockingham County Virginia,
at the November 4, 2014 Special Election, for:

PROPOSED CONSTITUTIONAL AMENDMENT

QUESTION: Shall Section 6-A of Article X (Taxation and Finance) of the Constitution of Virginia be amended to allow the General Assembly to exempt from taxation the real property of the surviving spouse of any member of the armed forces of the United States who was killed in action, where the surviving spouse occupies the real property as his or her principal place of residence and has not remarried?

TOTAL VOTES RECEIVED (IN FIGURES)

Yes	17,683
No	2,371

Total Number of Overvotes For Question 0

ABSTRACT of VOTES

Cast in the Town of BRIDGEWATER in ROCKINGHAM COUNTY, VIRGINIA
at the 2014 November General Election held on November 04, 2014 for,

Mayor – Bridgewater
District: BRIDGEWATER

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED (IN FIGURES)</i>
Hallie D. Dinkel	1,466
Total Write-In Votes	33
Total Number of Overvotes for Office	0

ABSTRACT of VOTES

Cast in the Town of BRIDGEWATER in ROCKINGHAM COUNTY, VIRGINIA
at the 2014 November General Election held on November 04, 2014 for,

Member Town Council – Bridgewater
District: BRIDGEWATER

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED (IN FIGURES)</i>
Theodore W. “Ted” Flory	1,367
A. Fontaine Canada	1,300
Dillina W. Stickley	1,268
Total Write-In Votes	39
Total Number of Overvotes for Office	0

ABSTRACT of VOTES

Cast in the Town of DAYTON in ROCKINGHAM COUNTY, VIRGINIA
at the 2014 November General Election held on November 04, 2014 for,

Mayor – Dayton

District: DAYTON

NAMES OF CANDIDATES ON THE BALLOT

*TOTAL VOTES RECEIVED
(IN FIGURES)*

Charles T. Long	423
Total Write-In Votes	12
Total Number of Overvotes for Office	0

ABSTRACT of VOTES

Cast in the Town of DAYTON in ROCKINGHAM COUNTY, VIRGINIA
at the 2014 November General Election held on November 04, 2014 for,

Member Town Council – Dayton

District: DAYTON

NAMES OF CANDIDATES ON THE BALLOT

*TOTAL VOTES RECEIVED
(IN FIGURES)*

Steven J. Dean	377
Kehris A. Snead	334
Total Write-In Votes	14
Total Number of Overvotes for Office	0

ABSTRACT of VOTES

Cast in the Town of ELKTON in ROCKINGHAM COUNTY, VIRGINIA
at the 2014 November General Election held on November 04, 2014 for,

Mayor – Elkton

District: ELKTON

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED (IN FIGURES)

Wayne E. Printz	334
Joshua J. Gooden	279
Randell L. Snow	230
Total Write-In Votes	6
Total Number of Overvotes for Office	0

ABSTRACT of VOTES

Cast in the Town of ELKTON in ROCKINGHAM COUNTY, VIRGINIA
at the 2014 November General Election held on November 04, 2014 for,

Member Town Council – Elkton

District: ELKTON

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED (IN FIGURES)

Jeffrey M. “Jeff” Jones	554
Harry J. Armbruster	532
Jay T. Dean	473
Total Write-In Votes	30
Total Number of Overvotes for Office	0

ABSTRACT of VOTES

Cast in the Town of GROTTUES in ROCKINGHAM COUNTY, VIRGINIA
at the 2014 November General Election held on November 04, 2014 for,

Mayor – Grottoes District: GROTTUES

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED (IN FIGURES)

Berton G. Austin, Jr.	517
Total Write-In Votes	19
Total Number of Overvotes for Office	0

ABSTRACT of VOTES

Cast in the Town of GROTTUES in ROCKINGHAM COUNTY, VIRGINIA
at the 2014 November General Election held on November 04, 2014 for,

Member Town Council – Grottoes District: GROTTUES

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED (IN FIGURES)

David L. Raynes	465
Mark A. Sterling	463
Marjorie S. “Midge” Funk	454
Total Write-In Votes	15
Total Number of Overvotes for Office	0

ABSTRACT of VOTES

Cast in the Town of MT CRAWFORD in ROCKINGHAM COUNTY, VIRGINIA
at the 2014 November General Election held on November 04, 2014 for,

Mayor – Mt Crawford

District: MT CRAWFORD

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED (IN FIGURES)

Alfred L. Cook	126
Total Write-In Votes	1
Total Number of Overvotes for Office	0

ABSTRACT of VOTES

Cast in the Town of MT CRAWFORD in ROCKINGHAM COUNTY, VIRGINIA
at the 2014 November General Election held on November 04, 2014 for,

Member Town Council – Mt Crawford

District: MT CRAWFORD

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED (IN FIGURES)

Donna W. Trobaugh	120
Eric B. Ensley	105
Dennis S. Driver	2
Total Write-In Votes	10
Total Number of Overvotes for Office	0

WRITE-INS CERTIFICATION

Town of Mt Crawford/Rockingham County
 COUNTY CITY ☒ TOWN

☒ **General** ☐ **Special Election**

TOWN COUNCIL
 OFFICE TITLE

November 4, 2014
 ELECTION DATE

DISTRICT NAME OR NUMBER, IF APPLICABLE

WRITE-INS - SUMMARY

1. **Invalid** Write-Ins
2. **Valid** Write-Ins
3. **Total** Write-Ins

TOTAL VOTES
 RECEIVED
 (IN FIGURES)

0
 ENTER TOTAL INVALID
 12
 ENTER TOTAL VALID
 12
 ADD LINES 1 AND 2

VALID WRITE-INS – DETAIL

TOTAL VOTES
 RECEIVED
 (IN FIGURES)

Clark, Joshua	1
Custer, Nick	1
Driver, Dennis	2
Erskine, Zan	1
McGregor, Eric	1
McGregor, Ralph	1
Ovracker, Carleen	1
Parker, Etha Jane	1
Rhodes, Ralph Joe	1
Stevens, Shane	1
Warren, Sam	1

ABSTRACT of VOTES

Cast in the Town of TIMBERVILLE in ROCKINGHAM COUNTY, VIRGINIA
at the 2014 November General Election held on November 04, 2014 for,

Mayor – Timberville District: TIMBERVILLE

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED (IN FIGURES)

Don P. Delaughter, Jr.	342
Total Write-In Votes	21
Total Number of Overvotes for Office	0

ABSTRACT of VOTES

Cast in the Town of TIMBERVILLE in ROCKINGHAM COUNTY, VIRGINIA
at the 2014 November General Election held on November 04, 2014 for,

Member Town Council – Timberville District: TIMBERVILLE

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED (IN FIGURES)

Sharon M. Jones	257
Todd A. Thomas	210
Ned W. Overton	207
Diane Andes Lam	195
Danny W. Sawyer	81
Total Write-In Votes	22
Total Number of Overvotes for Office	0

WRITE-INS CERTIFICATION

Town of Timberville/Rockingham County

COUNTY

CITY

☒ TOWN

TOWN COUNCIL

OFFICE TITLE

DISTRICT NAME OR NUMBER, IF APPLICABLE

☒ **General**

☐ **Special Election**

November 4, 2014

ELECTION DATE

WRITE-INS - SUMMARY

1. **Invalid** Write-Ins

TOTAL VOTES
RECEIVED
(IN FIGURES)

10

ENTER TOTAL INVALID

2. **Valid** Write-Ins

219

ENTER TOTAL VALID

3. **Total** Write-Ins

229

ADD LINES 1 AND 2

VALID WRITE-INS – DETAIL

TOTAL VOTES
RECEIVED
(IN FIGURES)

Barkley, Richard

1

Harner, Charles

1

Harris, Chipley

1

Jenkins, William

1

Kelly, John S.

1

Lam, Brandon

1

Overton, Don

1

Overton, Ed

1

Overton, Ned

136

Overton, Ned W.

71

Overton, Ted

1

Taylor, Terry

2

Townsend, Teresa

1

Administrator Paxton reported there has been discussion about splitting the Massanetta Springs precinct, which is extremely large, into two precincts before the November 2015 election. Hopefully, voting locations can be placed at each end of the precinct to reduce travel time for voters. If this can be accomplished without changing the voting lines, and the current census blocks can be maintained, Administrator Paxton said this should be a simple change.

In response to a question from Supervisor Kyger regarding the Bridgewater precinct issue, Administrator Paxton noted Delegate Wilt has introduced legislation so there is an opportunity for the Bridgewater precinct to be changed to eliminate a split precinct.

oooooOooooo

COUNTY ADMINISTRATOR'S STAFF REPORT.

Administrator Paxton introduced Matthias Smith (Chief Operating Officer for Massanutten/Great Eastern Resort) and Mike Shiflet (Peak Construction) who took over Mak Koebig's responsibilities following Mr. Koebig's retirement.

Mr. Smith stated he has been impressed with the level of leadership and foresight in the community. He is encouraged by the economy and wants to focus on all parts of Massanutten's growing business. They will be hiring, which will support the County and economy. Mr. Smith's responsibility is to take care of the owners and guests. Mr. Shiflet is responsible for building more accommodations and buildings to take care of more guests. He thanked the Board for their support and said he is enthused about the growing economy and relationship with the County.

Mr. Shiflet noted his role is development in the resort, to continue what Mr. Koebig started with Peak Construction. He is looking forward to a long future with the County and continued development.

The Board received and reviewed Administrator Paxton's staff report dated January 8, 2015.

Administrator Paxton reminded the Board of the upcoming ZIP Code meetings at three schools. Citizens will be informed that they do not have to change their address.

Either address can be used by County citizens with a 22801 or 22802 ZIP Code so they do not need to be concerned about their mail delivery. Citizens will be encouraged to use the Rockingham, Virginia address if they purchase items over the Internet to ensure their tax dollars remain in the County. Staff will review County correspondence (tax bills, utility bills, etc.) in those ZIP Code areas and make the ZIP Code transition.

Administrator Paxton reported a number of rabies clinics are scheduled in the community and encouraged citizens to have their animals vaccinated.

oooooOooooo

COUNTY ATTORNEY'S STAFF REPORT.

Mr. Miller reviewed the Border Memorandum of Understanding Between Page County and Rockingham County, Virginia. He stated the memorandum indicates the twelve tax map parcels created while the land was administered by Page County are being transferred to Rockingham County to be administered and taxed by Rockingham County as of January 1, 2015.

Page County approved and recorded one parcel under an installment land sales contract. The parcel was divided into two lots for subdivision approval by Page County so the County will recognize the subdivided parcels. Mr. Miller indicated Page County approved the Border Memorandum last week.

Chairman Breeden noted the divided parcel is essentially a family division.

On behalf of Chairman Breeden, Supervisor Cuevas made a motion, seconded by Supervisor Chandler to approve the following Border Memorandum of Understanding Between Page County and Rockingham County, Virginia:

BORDER MEMORANDUM OF UNDERSTANDING BETWEEN PAGE COUNTY AND ROCKINGHAM COUNTY, VIRGINIA

RECITALS:

1. That parcel originally designated Page County tax parcel 95-(A)-11 straddled the Page County – Rockingham County line.
2. Because most of the parcel lay in Page County, standard procedure was followed, and Page tax parcel 95-(A)-11 was taxed and administered in its entirety by Page County.

3. In late 2014 both Page and Rockingham County realized that twelve lots had been divided from tax parcel 95-(A)-11 that lie entirely or nearly entirely in Rockingham County.
4. Staff from both counties have agreed on the location of the boundary line between the two counties in the vicinity of the twelve lots. The original 1831 Act of the General Assembly that created Page County was used to determine the location of the boundary line, as well as various maps dating back into the 19th century.

NOW, THEREFORE, the Board of Supervisors of Page County, Virginia, and the Board of Supervisors of Rockingham County, Virginia, hereby agree as set forth in the following paragraphs, including by reference the foregoing Recitals.

5. The boundary line between Page County and Rockingham County in the vicinity of Page County tax parcel 95-(A)-11 is as shown on the attached map.
6. The following parcels, as shown on Page County tax maps through December of 2014, namely: 95-(A)-11C, 95-(A)-11D, 95-(A)-11E, 95-(A)-11F, 95-(A)-11G, 95-(A)-11H, 95-(A)-11I, 95-(A)-11J, 95-(A)-11K, 95-(A)-11M, 95-(A)-11R, and 95-(A)-11V; are in Rockingham County.
7. Those twelve tax parcels listed in paragraph 6, above, shall be assigned tax parcel numbers by Rockingham County and shall be taxed and administered by Rockingham County as of January 1, 2015.
8. In addition to the twelve lots that were assigned tax parcel numbers by Page County, as set forth in paragraph 6, above, two lots have been approved for division by Page County that have not yet been shown on Page County tax maps. Those two lots are as described in two documents entitled "Installment Land Sales Contract", both dated September 6, 2011, the first between Charles James Shifflett and Barbara Shifflett, husband and wife, grantors, and Joshua Ryan Breeden and Nora A. Shifflett Breeden, husband and wife, grantees, which Contract is recorded in the Clerk's Office of the Circuit Court of Page County as instrument number 110002253; and the second between Charles James Shifflett and Barbara Shifflett, husband and wife, grantors, and Derrick Cook and Grace Shifflett Cook, husband and wife, grantees, which Contract is recorded in the Clerk's Office of the Circuit Court of Page County as instrument number 110002255. The divisions described in these two Contracts shall be recognized by Rockingham County.

This Memorandum of Understanding is adopted this ____ day of January by the Board of Supervisors of Page County.

Attested to by _____
County Administrator

This Memorandum of Understanding is adopted this ____ day of January by the Board of Supervisors of Rockingham County.

Attested to by _____
County Administrator

Chairman Breeden thanked staff for meeting with the citizens affected by the border change and noted it was a positive meeting.

Carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY – AYE; KYGER – AYE; the Board approved the Border Memorandum of Understanding Between Page County and Rockingham County, Virginia.

oooooOooooo

DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. King's staff report dated January 8, 2015.

Mr. King indicated Administrator Paxton, Mr. Miller and Mr. Armstrong were aware of the proposed revised definition of "Waters of the United States" which was driven by Supreme Court rulings in three cases. This caused the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Corps) to look at their definition of "Waters of the United States" under the Clean Water Act.

Mr. King has participated in National Association of Counties (NACo) conference calls where EPA and Corps staff indicated the definition is an expansion of authority. The fear is that will not be the case when the definition is in place. Mr. King does not expect the revised definition will affect Rockingham County since the County does not maintain ditches. He said NACo has done a good job of outlining the concerns in a position paper. Rather than the County developing a separate opinion paper, staff suggests authorizing the County Administrator to inform local legislative representatives that the County supports the NACo position paper.

Supervisor Kyger noted this issue has come up frequently to the Public Lands Steering Committee and western states, where most land is federally owned, question the definitions. Supervisor Kyger expressed concern that NACo goes to great lengths to describe federalism multiple times. He said since federalism is defined several times, it could lean on the heavy side of the federal government and their sovereignty and less on the side of the local and state government and their sovereignty of the issue. Supervisor Kyger indicated many states and NACo representatives have different viewpoints, but he agreed with staff's suggestion to endorse NACo's position paper.

On motion by Supervisor Kyger, seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY – AYE; KYGER – AYE; the Board authorized the County Administrator to prepare a letter to the County’s congressional representatives supporting the National Association of Counties (NACo) position paper regarding the new rule on the definition of “Waters of the United States” Under the Clean Water Act, proposed by the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Corps).

oooooOooooo

ASSISTANT COUNTY ADMINISTRATOR’S STAFF REPORT.

The Board received and reviewed Mr. Anas’ January staff report.

Mr. Anas reported activity has started to pick up in the new year. Staff is excited by the enthusiasm and activity.

oooooOooooo

FINANCE DIRECTOR’S STAFF REPORT.

Mr. Allmendinger announced the audit is over and returns were filed properly and on time. Work on the budget will begin soon. He advised that the County payroll has gone paperless and the accounting system will go paperless. Due to excellent staff and a good software vendor, the payroll change went well.

oooooOooooo

HUMAN RESOURCES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mrs. Mongold’s staff report dated January 14, 2015.

oooooOooooo

PUBLIC WORKS DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mr. Hertzler’s staff report dated January 14, 2015.

oooooOooooo

COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's staff report dated January 14, 2015.

Mr. Armstrong introduced Adam Hancock, the County's new environmental inspector. Mr. Hancock will graduate from Bridgewater College in May with a degree in environmental science.

On motion by Supervisor Chandler, seconded by Supervisor Kyger, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board removed from the table REZ14-190, SEGM VA LLC, 2021 Cross Beam Drive, Charlotte, NC 28217 to rezone parcel 125-(A)- L144 totaling 5.975 acres, located north of Fieldale Place (Route 895) approximately 80 feet west of Reservoir Street (Route 710), from General Business District B-1 to General Residential District R-3. The property is in Election District 3. The Comprehensive Plan designates this area as Community Residential.

Supervisor Chandler made a motion, seconded by Supervisor Cuevas, to approve, subject to the revised proffers dated January 12, 2015, REZ14-190, SEGM VA LLC, 2021 Cross Beam Drive, Charlotte, NC 28217 to rezone parcel 125-(A)- L144 totaling 5.975 acres, located north of Fieldale Place (Route 895) approximately 80 feet west of Reservoir Street (Route 710), from General Business District B-1 to General Residential District R-3.

Mr. May reviewed the revised proffer letter, dated January 12, 2015, specifically number 8, which indicates "The owner shall donate and dedicate to public use all that land reasonably necessary for the currently-planned improvement of Fieldale Place, and shall reimburse the County \$20,000 for the construction of the right turn lane on Reservoir Street for Fieldale Place prior to the receipt of any Certificates of Occupancy." The revised proffer puts an absolute number on the amount the applicant will pay toward the construction of the right turn lane on Reservoir Street and indicates a time limit when that reimbursement will be made to the County.

Carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board, subject to the revised proffers dated January 12, 2015, approved REZ14-190, SEGM VA LLC, 2021 Cross Beam Drive, Charlotte, NC 28217 to rezone parcel 125-(A)- L144 totaling 5.975 acres, located north of Fieldale Place (Route 895) approximately 80 feet west of Reservoir Street (Route 710), from General Business District B-1 to Conditional General Residential District R-3-C. The property is in Election District 3. The Comprehensive Plan designates this area as Community Residential.

Proffers:

Proffers for TM# 125-A-L144 zoned B1 (applying for R3 rezoning)

With the proposed rezoning request for the parcel listed above, the following proffers are tendered:

1. One single story building shall be located at the southwest portion of the site, to face the incoming drive, with its side parallel with Fieldale Place. Building shall have a maximum height of 25 feet.
2. One two story residential apartment building with 16 units and two open breezeway/stairwells shall be situated along the Fieldale Place property boundary at the southwestern portion of the property. Building shall be oriented parallel with Fieldale Place. Location of building will be in proximity to Fieldale Place in compliance with the setback requirements. Building shall have a maximum height of 35 feet.
3. Three residential apartment buildings, each three stories, with 24 units and two open breezeway/stairwells each shall be situated along the far northeastern property boundary. Buildings shall be oriented parallel with the northeastern property boundary and shall be positioned near to the northeastern boundary in compliance with the setback requirements. Buildings shall have a maximum height of 45 feet.
4. Paved vehicle circulation shall be provided with parking counts to exceed the zoning requirements by 10%.
5. A 20' landscape buffer of two (2) rows of evergreen trees alternately on twelve (12) foot centers shall be planted along the property line between the buildings and the north-eastern property (TM# 125-A-L160).
6. Along the southwest property line along Fieldale Place a 15' landscape buffer comprised of alternating and staggered evergreen shrubs and medium to large sized deciduous trees shall be installed. Evergreen shrubs and deciduous trees shall be placed on ten (10) foot centers. Along this buffer two (2) breaks shall be placed in the landscaping: 1) For the entrance and 2) a 50' break with no extra landscaping (except for what is called for in the landscaping ordinance) for visibility for the proposed Community Center from Reservoir Street. A third break may be necessary if VDOT requires a second entrance.

7. All landscaping will be installed and maintained by the owner. All landscaping will be installed prior to the receipt of any Certificates of Occupancy.
8. The owner shall donate and dedicate to public use all that land reasonably necessary for the currently planned improvement of Fieldale Place, and shall reimburse the County \$20,000 for the construction of the right turn lane on Reservoir Street for Fieldale Place prior to the receipt of any Certificates of Occupancy.

Chairman Breeden asked Kim Sandum to review two House Bills discussed by the General Assembly earlier in the day. Both bills, sponsored by Delegate Brenda Pogge from James City County, would damage Virginia's conservation easement program.

House Bill 1488, as originally drafted, proposes to disallow a co-holder, which means easement projects currently eligible for federal money, which requires a co-holder, may not be permitted. The Shenandoah Valley Battlefield Foundation or similar projects currently meet the federal requirements, but would not be eligible for federal funding in the future, if Virginia does not permit co-holders. The bill also proposes changes reducing the enforcement of easements. This is a concern since these easements are private contracts between the landowner and an easement holder.

House Bill 1572 proposes to limit conservation easements to five years. There is a concern that this change would kill local Purchase of Development Rights (PDRs) programs, because citizens would not want to purchase an easement for only five years. It proposes to affect voluntary, donated easements in the same manner.

The two bills, which will start in the agricultural committee, may interfere with programs the County may want to offer in the future. Mrs. Sandum noted the *Daily News-Record* published an article on January 12, 2015, regarding a Port Republic Battlefield easement. This easement would not have happened and future battlefield deals in the works to protect property could not be completed if the two bills pass.

Supervisor Kyger noted the bills take away options for property owners. He asked the Supervisors to let the local delegates and Senators know they are opposed to the bills.

Supervisor Chandler asked if a letter of approval and resolution are required as a part of the SEGM VA LLC (REZ14-190) rezoning.

Administrator Paxton indicated the SEGM VA LLC development is workforce housing and requires a certificate of need. This project came before the Board when the

County owned that property and the County worked with SEGM and Chesterfield County, since they had a similar development and needed to draft a document that could be approved within the realms of the Board of Supervisor's authority. Administrator Paxton and Mr. Miller reviewed the document Chesterfield County approved and had no issues with it. Supervisor Chandler said he thought a resolution was also required.

Jen Surber, representing SEGM VA LLC, indicated a Chief Executive Officer (CEO) letter of support signed by the County Administrator and a revitalization certification is required. She noted the wording is exactly the same as what was shared with the Board almost two years ago.

On motion by Supervisor Chandler, seconded by Supervisor Eberly, and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board authorized the County Administrator to sign the two following documents, and other documents reasonably required to evidence the designation of this Revitalization Area:

January 20, 2015

Jim Chandler
Virginia Housing Development Authority
601 South Belvidere Street
Richmond, Virginia 23220

VHDA Tracking Number:	<u>2015-C-16</u>
Development Name:	<u>Robinson Park</u>
Name of Owner/Applicant:	<u>Robinson Park VA LLC</u>

Dear Mr. Chandler:

The construction or rehabilitation of the above-named development and the allocation of federal housing tax credits available under IRC Section 42 for said development will help to meet the housing needs and priorities of Rockingham County. Accordingly, the Rockingham County Board of Supervisors supports the allocation of federal housing tax credits requested by Robinson Park VA LLC for this development.

Yours truly,

Joseph S. Paxton
County Administrator

January 20, 2015

Jim Chandler
Virginia Housing Development Authority
601 South Belvidere Street
Richmond, VA 23220

VHDA Tracking Number: 2015-C-16
Development Name: Robinson Park
Development Jurisdiction: Rockingham County
Name of Owner/Applicant: Robinson Park VA LLC

RESOLUTION

The above-referenced development is located in a Revitalization Area in the Rockingham County, Virginia. The revitalization area is: (i) The industrial, commercial or other economic development of such area will benefit the county but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in such area, **and** (ii) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area, and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

Joseph S. Paxton

ATTEST:

Thomas H. Miller, Jr.
County Attorney

Resolution adopted by the Board of Supervisors of Rockingham County, Virginia, the 14th day of January, 2015.

Administrator Paxton advised that, at the time the Board adopted the Rockingham 2020 Financial Plan on November 12, 2014, staff was directed to prepare a brochure for publication in the *Daily News-Record* and for the Board and staff to share with the community outlining the projects and programs facing the County over the next five years.

He reported that Mr. May and Ms. Cooper in Community Development have done an outstanding job in preparing the brochure, especially given the large amount and complexity of issues covered in the three day work session. They did an excellent job in reducing the information to two sides of an 11 by 17 page. They also connected the issues to the priorities established in the current Comprehensive Plan. The brochure is very informative and should be provided to the community this month, assuming that the publication can be coordinated with the *Daily News-Record* and printer.

ooooOoooo

TECHNOLOGY DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Perry's staff report dated January 2015.

ooooOoooo

FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Holloway's staff report dated January 2015.

Chief Holloway indicated the past weekend was busy with house fires and a switch grass fire behind East Rockingham High School.

Administrator Paxton advised Chief Holloway is working on a federal SAFER (Staffing for Adequate Fire & Emergency Response) grant for review by the Finance Committee. The grant provides an opportunity for the County to address some of the staffing issues identified in the financial plan over the next couple of years. The proposal is to use grant funds to phase in the additional fire staff to fit within the Board's timing and schedule.

ooooOoooo

AUTOMOBILE COMMITTEE REPORT.

Supervisor Kyger advised staff is requesting authorization to purchase a 2015 Chevrolet Tahoe from state contract at a cost not to exceed \$32,000. The expenditure will be funded with \$3,000 from Fire Programs Funds and the remainder from the County's fund reserve. The vehicle will replace a 2002 Fire and Rescue vehicle that was damaged in an accident with a deer. Staff requests authorization to declare the 2002 Ford Explorer surplus.

On motion by Supervisor Kyger, seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board authorized Fire & Rescue

to purchase a 2015 Chevrolet Tahoe from the state contract at a cost not to exceed \$32,000 and declare the 2002 Ford Explorer surplus, and authorized a supplemental appropriation.

oooooOooooo

PARKS & RECREATION DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. McQuain's staff report dated January 2015.

Mrs. McQuain reported the spring Parks and Recreation brochure was inserted in the *Daily News-Record* on January 10, 2015. A lot of new programs and trips are being offered.

Supervisor Kyger thanked Mrs. McQuain for providing information regarding the Farmer's Insurance Grant. Turner Ashby High School received the grant and Supervisor Kyger hopes the parks and recreation department will benefit from the walking track around the high school.

oooooOooooo

COURT SERVICES DIRECTOR'S STAFF REPORT.

The board received and reviewed Mrs. Freeman's staff report dated January 14, 2015.

oooooOooooo

COMMITTEE REPORTS.

The Board heard committee reports from Board members and staff.

CHAMBER OF COMMERCE

Supervisor Chandler reported that the Annual Chamber Banquet was held on January 8, 2015, and was very well attended. The Chamber After Hours will be hosted by the Boys and Girls Club at Simms School on January 15, 2015.

HARRISONBURG-ROCKINGHAM METROPOLITAN PLANNING ORGANIZATION (MPO)

Supervisor Chandler said a meeting would be held January 15, 2015 at 3:00, with reports on the options for the Port Republic Road and the Route 33 Interstate 81 interchange improvements.

TECHNOLOGY

Supervisor Eberly stated the technology department did a fantastic job with the MUNIS system.

MASSANUTTEN REGIONAL LIBRARY

Supervisor Eberly advised the library held a banquet this month.

SHENANDOAH VALLEY PARTNERSHIP (SVP)

Mr. Anas reported the Executive Committee received applications for the position of Executive Director to replace Dennis Burnett. There were several good candidates and the Partnership hopes to make a decision soon.

SOCIAL SERVICES

Chairman Breeden shared that a previous foster child in his home, whom he had not heard from in years, contacted him. She and her newborn child are now residing with the Breedens. He noted that foster care relationships never end.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Supervisor Kyger advised that the VACo Rural Caucus meeting would be held in Richmond on February 4, 2015 and the VACo County Government Day (Legislative Day) will be held February 5, 2015. The National Association of Counties (NACo) Legislative Conference will be held February 21 – 25, 2015 in Washington, DC.

OTHER

Administrator Paxton announced he received a call from Dr. Christopher Sheap, representing the National Society of the Sons of the American Revolution, asking if the local chapter could express their appreciation to the County for exemplary patriotism in displaying the United States flag. Since Dr. Sheap was unable to attend the Board meeting, he delivered a certificate to Supervisor Chandler and Administrator Paxton.

oooooOooooo

COMMITTEE APPOINTMENT.

On motion by Supervisor Cuevas, seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board appointed Michael Bazzle (beef producer from District 1), Pete Martens (sheep producer from District 2), Kevin Craun (dairy producer from District 4), and Keith Sheets (swine producer from District 5) to the Agricultural Advisory Committee for a term to expire January 31, 2019.

ooooOoooo

CLOSED MEETING.

On motion by Supervisor Kyger, seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board recessed the meeting from 4:16 p.m. to 5:05 p.m. for a closed meeting pursuant to 2.2-3711.A (7), Consultation with legal counsel and staff members pertaining to actual or probable litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County; and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

MOTION: SUPERVISOR KYGER
SECOND: SUPERVISOR EBERLY

RESOLUTION NO: 15-1
MEETING DATE: JANUARY 14, 2015

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:
AYES: BREEDEN, CHANDLER, CUEVAS, EBERLY, KYGER
NAYS: NONE
ABSENT: NONE

ooooOoooo

RECESS.

At 5:06 p.m., Chairman Breeden declared the meeting recessed for dinner.

ooooOoooo

RECONVENE REGULAR MEETING.

At 6:00 p.m., Chairman Breeden reconvened the regular meeting. Supervisors Chandler and Cuevas were not attendance for the public hearing.

ooooOoooo

PUBLIC HEARING - SPECIAL-USE PERMITS.

At 6:00 p.m., Chairman Breeden opened the public hearing and explained the public hearing procedures.

Ms. Stultz reviewed the following special-use permits:

SUP14-273 Carl & Lena Meadows, 3922 Park Way, Elkton 22827 for a private family cemetery on property located on the north side of Park Way (Route 856) approximately 1/2 mile west of North East Side Highway (Route 340), Election District #5, zoned A-1. Tax Map #114-(A)-234A

Chairman Breeden asked if the cemetery would have setbacks from the neighboring land. Ms. Stultz indicated it would not since there are no structures involved. However, the Board could establish setbacks. She noted the Health Department requires a 100' space between the cemetery and any water supply.

The applicant was in attendance.

No one spoke in opposition to the request.

SUP14-282 Evans & Evans Holdings LLC & Beverley A. Evans, LLC, PO Box 2638, Harrisonburg 22803 for a warehouse in conjunction with existing

auction business (requesting waiver to supplemental standard that states warehouses have to be in an agricultural building at least 3 years old in the A-2 zoning district) on property located on the north side of Green Valley Lane approximately 930' east of South Whitesel Church Road (Route 681), Election District #4, zoned A-2, Tax Map #138-(A)-19B1. Property address: 2177 Green Valley Lane

Ms. Stultz noted supplemental standards are associated with this use, but the Board is permitted to modify the standards. If approved as submitted, the Board could waive the requirement that the warehouse be in an agricultural building at least three (3) years old. Staff could support the waiver, if approved by the Board, since this is a well-established business in the A-2 zoning district, it is a business that has been allowed through special-use permits granted over the years, and the business would be hampered without warehouse space. The waiver is covered under Condition number 5.

The applicant was present.

No one spoke in opposition to the request.

SUP14-288 Gregory Grove, 2015 Heatwole Road, Harrisonburg 22802 for a third residence (second one for farm worker) on property located on the west side of Heatwole Road (Route 875) approximately 2900' south of Mt. Clinton Pike (Route 726), Election District #2, zoned A-1. Tax Map #91-(A)-126

Mr. Grove was not in attendance.

Ms. Stultz explained the application was originally made for a third residence on the property. Since that time, Mr. Grove made application for an accessory dwelling allowed by right for his daughter, so this is the fourth residence on the property. Two residences are permitted by right and this residence and a separate residence for a farm worker are by special-use permit.

Ms. Stultz noted the applicant has shown his preferred location and two alternative sites. He would prefer to have the residence close to the poultry houses but would be willing to use one of the other locations if they perk. He prefers not to utilize the site right on the road. All the locations are a great distance from any home or adjoining property.

Ms. Stultz noted Larry Leffel from Meadow View Farm submitted a letter of opposition regarding the primary location of the mobile home. Mr. Leffel is not opposed to the mobile home being placed on one of the two optional locations.

Supervisor Eberly noted the second site in the middle is now Mr. Grove's preferred site to limit traffic since the farm worker would not need to run up and down the lane.

Ms. Stultz noted Mr. Grove informed her he was fine with the original preferred location or the middle site but was concerned that the optional sites would not perk.

Supervisor Eberly indicated, even though there was an objection from the neighbor, none of the sites are near a setback or obstruct views. Supervisor Eberly could see using either site.

No one spoke in opposition to the request.

Chairman Breeden closed the public hearing at 6:14 p.m.

Although there was no opposition to the cemetery, Chairman Breeden said he would like to clarify some questions and asked that the request be tabled on his behalf, with the stipulation that the request will be removed from the table at the January 28, 2015 meeting.

On behalf of Chairman Breeden, on motion by Supervisor Eberly, seconded by Supervisor Kyger and carried by a vote of 3 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - ABSENT; CUEVAS - ABSENT; EBERLY - AYE; KYGER - AYE; the Board tabled SUP14-273, Carl & Lena Meadows, 3922 Park Way, Elkton 22827 for a private family cemetery on property located on the north side of Park Way (Route 856) approximately 1/2 mile west of North East Side Highway (Route 340), Election District #5, zoned A-1, with the stipulation that the request will be removed from the table on January 28, 2015.

On motion by Supervisor Kyger, seconded by Supervisor Eberly and carried by a vote of 3 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - ABSENT; CUEVAS - ABSENT; EBERLY - AYE; KYGER - AYE; the Board, subject to the following conditions, approved SUP 14-282, Evans & Evans Holdings LLC & Beverley A. Evans, LLC, PO Box 2638, Harrisonburg 22803 for a warehouse in conjunction with existing auction business (requesting waiver to supplemental standard that states warehouses have to be in an agricultural building at least 3 years old in the A-2 zoning district) on property located on the north side of Green Valley Lane approximately 930' east of South Whitesel Church Road (Route 681), Election District #4, zoned A-2, Tax Map #138-(A)-19B1. Property address: 2177 Green Valley Lane:

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Building shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. This permit is contingent upon a site plan being submitted to and approved by the County. No work shall be done on the property and the business shall not begin operation until such time as the site plan is approved.
4. The addition shall not encroach upon the required setback distances to the existing sewage disposal system and private well.
5. All supplemental standards in the zoning ordinance pertaining to warehouses in the A-2 District shall be met except for the requirement that it be located in an agricultural building at least three years old.
6. Documentation shall be provided to Emergency Services during the site plan review that the building does not exceed the available fire flow water supply that is currently installed on site.
7. Adequate access for emergency vehicles shall be provided and shall be maintained.
8. The warehouse shall not be used until a certificate of occupancy is approved by the County.

Supervisor Eberly said he met with Mr. Grove to ride through his pasture and around the poultry houses. Supervisor Eberly sees no good reason to deny any of the locations. The location the neighbor favors (in the middle) is now Mr. Grove's preferred site if it perks.

Supervisor Eberly made a motion, seconded by Supervisor Kyger, that the Board approve SUP 14-288, Gregory Grove, 2015 Heatwole Road, Harrisonburg 22802 for a second farm worker residence on property located on the west side of Heatwole Road (Route 875) approximately 2900' south of Mt. Clinton Pike (Route 726), Election District #2, zoned A-1. Tax Map #91-(A)-126:

Supervisor Kyger asked if the middle site does not perk, whether the applicant would be given the option to come back with a waiver not to wait a year to apply for another special-use permit.

Supervisor Eberly said there was no reason to turn down either site according to the County ordinances and regulations so Mr. Grove can locate the residence on the preferred site. If that site does not perk, the mobile home can be placed on the secondary site at the top of the hill.

Carried by a vote of 3 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - ABSENT; CUEVAS - ABSENT; EBERLY - AYE; KYGER - AYE; the Board, subject to the following conditions, approved SUP 14-288, Gregory Grove, 2015 Heatwole Road, Harrisonburg 22802 for a third residence (second one for farm worker) on property located on the west side of Heatwole Road (Route 875) approximately 2900' south of Mt. Clinton Pike (Route 726), Election District #2, zoned A-1. Tax Map #91-(A)-126:

Conditions:

1. Use shall be located in substantial accordance to plot plan submitted with the application.
2. Residence shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. This permit is contingent upon the applicant obtaining a sewage disposal system and water supply from the Health Department. A copy of said permits shall be submitted to the Community Development Department prior to issuance of a building permit.
4. Residence shall not be used for rental purposes.
5. The manufactured home shall be skirted prior to final inspection. Additionally if the tongue is left on the manufactured home, it shall be included in the skirting.
6. Residence shall not be occupied until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

oooooOooooo

ADJOURNMENT.

Chairman Breeden declared the meeting adjourned at 6:18 p.m.

_____,
Chairman

April 11, 2012

A Special Meeting of the Board of Directors of the Countryside Sanitary District was held at 3:17 p.m. on Wednesday, April 11, 2012, at Broadway High School, 269 Gobbler Drive, Broadway, Virginia.

Present:

PABLO CUEVAS, Election District #1
FREDERICK E. EBERLY, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, Chief Administrative Officer and Secretary
THOMAS H. MILLER, JR., County Attorney
STEPHEN G. KING, Treasurer
BARRY E. HERTZLER, Director of Public Works
TAMELA S. GRAY, Deputy Clerk to Board of Supervisors

oooooOooooo

CALL TO ORDER.

Chairman Kyger called the Meeting to order at 3:17 p.m.

oooooOooooo

APPROVAL OF WAIVER.

On motion by Supervisor Cuevas, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board approved the waiver for the special meeting of April 11, 2012.

oooooOooooo

APPROVAL OF MINUTES.

On motion by Supervisor Cuevas, seconded by Supervisor Eberly and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board approved the minutes of the District’s June 14, 2006 meeting.

ooooOoooo

ADOPTION OF POST-ISSUANCE TAX COMPLIANCE PROCEDURES.

Administrator Paxton explained that these are the same procedures adopted on March 28, 2012 for Smith Creek Water and Waste Authority and Penn Laird Sewer Authority. The procedures need to be adopted for all County-associated entities which have debt, he said.

On motion by Supervisor Cuevas, seconded by Supervisor Eberly and carried by a vote of 5-0, voting recorded as follows: BREEDEN – AYE; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board adopted the post-issuance tax compliance procedures as follows:

POST-ISSUANCE TAX COMPLIANCE PROCEDURES

Background - Rockingham County and its “Subordinate” and “On Behalf Of Entities”.

Rockingham County:

Rockingham County, Virginia (the “County”) is a political subdivision of the Commonwealth of Virginia. The County is governed by an elected Board of Supervisors (the “Board”). The Board is composed of five (5) members. Pursuant to Virginia law, the County has substantial taxing authority, police and eminent domain powers for its essential governmental purposes, all within the meaning of federal tax laws. The authority of the County to issue general obligation and revenue bonds is described in Article VII, Section 10 of the Virginia Constitution, and Chapter 26 Public Finance Act, Title 15.2 of the Code of Virginia, 1950, as amended (the “Public Finance Act”). In addition, the County may enter into various conduit arrangements, installment lease purchase financings, and other financing arrangements which contemplate “subject to appropriation” provisions for payment of the County’s obligations thereunder, among other things. Generally speaking, the County’s obligations that are subject to the requirements of the Public Finance Act and the exempt bond financing rules include the following financing structures: (i) general

obligation school bonds issued to Virginia Public School Authority (VPSA), and (ii) revenue bonds issued to Virginia Resources Authority (VRA). In addition, however, the County is empowered by law to enter into conduit lease revenue arrangements (with the County being a “conduit borrower” pursuant to a rental arrangement that is “subject to appropriations”) and various installment lease purchase and other financing structures which also contemplate payments that are “subject to appropriations”.

Economic Development Authority:

The Board duly established the Industrial Development Authority of Rockingham County, Virginia (the “Authority”) under the provisions of the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended, (the “Revenue Bond Act”). On April 13, 2011, the Board adopted an ordinance amendment renaming the Authority as the “*Economic Development Authority of Rockingham County, Virginia*”. Pursuant to such ordinance amendment, the Authority continues as a political subdivision without interruption in power, authority, purpose or function in accordance with the provisions of the Revenue Bond Act.

As set forth in the Revenue Bond Act, the Board appoints seven (7) directors to the Authority to serve staggered four-year terms. County policy requires that no director shall serve more than two successive terms. Further reference is hereby made to the provisions of the Revenue Bond Act regarding the various state law requirements that govern the creation and due existence of the Authority and describe its powers, including the power to issue bonds and other obligations, under the laws of the Commonwealth of Virginia.

It is to be noted that the Authority, on September 27, 2011, duly approved its *Post-Issuance Compliance Policy for Tax-Exempt Obligations* (the “Authority’s Compliance Policy”). The Authority provided a copy of the Authority’s Compliance Policy to the County and on October 10, 2011, the Board, acting on behalf of the County, agreed to the terms thereof. Further, the County Administrator (and any of his designees from time to time) have agreed to coordinate with the Authority, legal counsel, and any others as may be necessary or convenient, and from time to time, in order for the County to continue to satisfy its post-issuance compliance responsibilities as a “conduit borrower” of the Authority, from time to time, including the SRI Project located in the County at the Rockingham Center for Research and Technology, on Route 11 North of the City of Harrisonburg (financed originally by the Authority in 2007 and refinanced in 2011).

Water and Waste Authorities:

Smith Creek Water and Waste Authority ("Smith Creek") was duly created by the Board on July 12, 2000, pursuant to Virginia Code § 15.1- 1239 to § 15.1-1270, re-codified as Chapter 51 Water and Sewer Authorities Act, Title 15.2 (the "Water Sewer Act"). Smith Creek is in good standing under the Water Sewer Act, and has not instituted any dissolution proceedings pursuant to § 15.2-5109 thereof. Likewise, the Penn Laird Sewer Authority ("Penn Laird") was duly created by the Board on October 27, 2004, pursuant to the provisions of the Water Sewer Act. Penn Laird is in good standing under the Water Sewer Act, and has not instituted any dissolution proceedings pursuant to § 15.2-5109 thereof.

Pursuant to the Articles of Incorporation of Smith Creek and Penn Laird, respectively, the members of the boards of each of them are composed of the members of the Board, and accordingly, all members of the boards of Smith Creek and Penn Laird, respectively, serve commensurately during the term of their membership on the Board, not to exceed four (4) years, and such members are automatically deemed elected to the boards of Smith Creek and Penn Laird, respectively, upon their election to the Board.

Further reference is hereby made to the provisions of the Water Sewer Act regarding the various state law requirements that govern Smith Creek and Penn Laird and describe their powers, including the power to issue bonds and other obligations, under the laws of the Commonwealth of Virginia.

Sanitary Districts:

Pursuant to a Court Order entered on January 26, 2000, in the Clerk's Office of the Circuit Court of Rockingham County, Virginia ("Clerk's Office"), the Lilly Subdivision Sanitary District was duly created in the County ("Lilly Subdivision"). In addition, the Countryside Sanitary District ("Countryside") was duly created in the County pursuant to a Court Order entered on December 27, 2001, in the Clerk's Office. General provisions governing Lilly Subdivision and Countryside as duly established sanitary districts located in the County are set forth in Chapter 2 Sanitary Districts of Title 21 of the Virginia Code, Sections 21.112.22 - 21.140.3 *et seq.* (the "Sanitary District Act").

By law, each of the boards of Lilly Subdivision and Countryside (together, the "Districts") are composed of the members of the Board as the governing bodies thereof, and accordingly, the Board appoints its members as the board members of the Districts to act on behalf of each of them, respectively. Further reference is hereby made to the provisions of the Sanitary District Act regarding the various state law requirements that govern the Districts and describe their

powers, including the power to enter into various arrangements with the County, among others, and to issue bonds and other obligations, under the laws of the Commonwealth of Virginia.

Statement of Purpose.

The Board, acting on behalf of the County, and further, acting as the respective boards of Smith Creek, Penn Laird, Lilly Subdivision and Countryside (collectively, the “County Entities”), now desires to adopt and implement appropriate post-issuance tax compliance procedures (this “Tax Policy”) in conformity with federal tax laws in order for the County and the County Entities, respectively, to monitor their post-issuance compliance with respect to exempt bond issues, and further, any taxable bond issues or other tax-advantaged issues (if any) that are subject to exempt bond financing rules (collectively, whether currently outstanding or issued after the date hereof, the “Obligations”). Therefore, for convenience herein, references herein to the “County” shall be deemed to include the County Entities, when and to the extent applicable.

Exempt bond requirements applicable to existing Obligations have been (and will be) set forth in a non-arbitrage certificate or other tax certificate or agreement executed by the County at closing. The Board understands, however, that compliance with the requirements under the Internal Revenue Code of 1986, as amended, including Treasury Regulations thereunder (“Tax Code”) is an on-going process necessary during the entire term of the Obligations. This Tax Policy, to the extent practicable, shall document existing practices and shall further describe the on-going procedures and systems applicable for the entire term of the Obligations in order for the County to:

- i. Document its reasonable, good faith expectations with respect to its issuance of the Obligations, including the investment and use of the proceeds thereof;
- ii. Monitor post-issuance compliance of the Obligations according to requirements under the Tax Code; and
- iii. Provide for an ongoing process during the term of the Obligations to demonstrate compliance with requirements that must be satisfied *subsequent to* the issuance date thereof in order that the interest be, or continue to be, excludable from gross income for federal income tax purposes (or, otherwise be deemed to comply with such rules).

The County is a rural locality with a limited number of administrative employees. The Board recognizes that the County, nonetheless, must assume responsibility for ongoing-monitoring functions and consultation with bond counsel and other experts to advise the County with respect to its post-issuance compliance

with the provisions of the Tax Code, as such requirements may be amended and supplemented from time to time.

This Tax Policy is not, and is not intended to be, exhaustive. Accordingly, additional or amended compliance requirements may be identified by the County from time to time, acting upon the advice of bond counsel and other experts.

Issuance of Obligations.

The following policies relate to procedures with respect to the issuance of Obligations.

- A. The County has consulted (and shall consult as may be necessary) with bond counsel in connection with the issuances of Obligations.
- B. The County has required (and as to future Obligations, will require) its bond counsel to prepare closing binders (and/or CD or other electronic copies of the transaction documentation) for the official records of the County.
- C. The County, with respect to any Obligations issued for the benefit of the Rockingham County Public Schools, has required (and, in the future will require) its bond counsel to prepare closing binders (and/or CD or other electronic copies of the transaction documentation) for the official records of the Superintendent of the Rockingham County Public Schools (the “Superintendent”) and the Rockingham County Public Schools.
- D. The County has consulted with bond counsel with respect to its currently outstanding Obligations and has required bond counsel to certify that the applicable Information Return has been filed on a timely basis with the IRS (if required). Upon the issuance of any future Obligations, the County again shall require bond counsel to certify that the appropriate Information Return has been duly filed with the IRS (if applicable), on a timely basis.
- E. The County has required (and shall require, as the case may be) the Superintendent (or her designee) to accept responsibility to receive and retain all relevant books and records with respect to the investment, expenditure and use of the proceeds of Obligations.
- F. The County hereby affirms its expectations for the Superintendent (or her designee) to coordinate with the County and with bond counsel to the County with respect to post-issuance compliance matters that relate to the Rockingham County Public Schools, including the investment, spend-down and use of proceeds of any school bonds issued by the County.

- G. The County has consulted with bond counsel with respect to any currently outstanding Obligations that are “bank-qualified” (as described in § 265(b)(3) of the Tax Code), and will consult in connection with any future “bank-qualified” Obligations, in order to confirm its compliance with the various \$10,000,000 “qualified small issuer” requirements described in § 265(b)(3) of the Tax Code.

Post-Issuance Compliance and Procedures - General.

The County Administrator and/or his designee(s) from time to time (including the County Finance Director or any others), shall continue to serve as the appropriate designee(s) of the County (hereinafter, whether individually or collectively, the “Compliance Officer”) who shall be generally responsible to monitor post-issuance compliance with respect to the Obligations.

The Compliance Officer shall:

- A. Continue to coordinate procedures for record retention and review of records that relate to the Obligations, including a review of post-issuance compliance procedures and systems on a periodic basis, at least annually, in order for the County to remain up to date on post-issuance compliance requirements under the Tax Code;
- B. Continue to maintain hard copies and/or electronic media as allowed by the Internal Revenue Service (IRS) from time to time of all documents and records with respect to the Obligations, all official minutes and records of the Board’s actions in connection with the Obligations, and all closing binders;
- C. Continue to be responsible to receive and retain all relevant books and records with respect to the investment and expenditure of the proceeds of any Obligations;
- D. Continue to coordinate with the Superintendent (or her designee) with respect to Obligations issued for the benefit of the Rockingham County Public Schools in order that such persons, together, shall monitor post-issuance compliance with respect to any Obligations issued for capital projects for public school purposes; and

- E. Request the Superintendent (or her designee) to maintain for safe-keeping copies of all documentation and records with respect to any Obligations the proceeds of which are used for capital projects for school purposes for the Rockingham County Public Schools, including closing binders provided to the Superintendent by the County's bond counsel.

Arbitrage.

In certain calendar years, the County may be treated as meeting the requirements of §148(f)(4)(D) of the Tax Code (the "small issuer exception"). Satisfaction of the requirements of the small issuer exception in a given calendar year will mean that the rebate requirements under the Tax Code will be considered met in connection with any such Obligations. Notwithstanding, the County has covenanted with respect to its Obligations (and shall covenant in connection with future Obligations) to provide for the payment of rebate of arbitrage in the event that any Obligation shall fail to meet all requirements of the small issuer exception or alternatively, shall fail to satisfy all requirements of any applicable "spending exception" to rebate of arbitrage as set forth in the Tax Code, as described below.

In order for the County to satisfy its responsibilities to monitor and cause the calculation of rebate of arbitrage, as necessary, the Compliance Officer shall:

- A. Confirm that a certification of the initial offering prices of the Obligations with such supporting data, if any, required by bond counsel, is included in the closing binder;
- B. Coordinate the tracking of expenditures of the proceeds of the Obligations and the tracking of the expenditures of investment earnings in accordance with the Tax Code;
- C. Maintain a consistent accounting methodology if any project to be financed with the proceeds of any Obligation will be funded with multiple sources of funds in order to track all such various sources of financing and monitor actual expenditures therefrom;
- D. Obtain a computation of the yield on such issue from an appropriate financial advisor, bond trustee, underwriter or other non-arbitrage agent as may be required by the County's lender (such as the State Non-Arbitrage Program, or "SNAP", sponsored by the Virginia Treasury Board), or otherwise as may be selected by the County, including the maintenance of a system for tracking investment earnings;
- E. Maintain appropriate records for the allocation of proceeds of the Obligations and investment earnings thereon to expenditures to pay the

costs of the financed project(s), including reimbursement of expenditures paid prior to issuance, and conduct a review of all such expenditures within 18 months after each project financed by the Obligations is placed in service (to determine whether a reallocation of expenditures in accordance with Treasury Regulations § 1.148-6(d) is necessary);

- F. Monitor compliance with any applicable “temporary period” for investment of proceeds or any “spending exception” to rebate of arbitrage or any other “exception” or “exemption” with respect to arbitrage compliance, including any requirements as to yield restriction on the investment of such proceeds, if need be;
- G. Monitor specific compliance with the “Six-Month Spending Exception”, the “18-Month Spending Exception”, or the “Two-Year Construction Exception”, as may be applicable, to the rebate requirements;
- H. Confirm that investments purchased with proceeds of Obligations are purchased at fair market value;
- I. Avoid the creation or designation of any fund that would be expected to be used to be debt service on the Obligations without determining, in advance, whether such fund must be yield-restricted;
- J. Consult with bond counsel or any other appropriate tax advisor *prior to* engaging in any post-issuance transactions that relate to the Obligations;
- K. Procure expert advice and assistance, if need be, to (i) compute any rebate liability and if rebate shall be due, to file an appropriate Form 8038-T for payment of such rebate liability on a timely basis as required under the Tax Code, and/or (ii) compute and pay any “yield restriction payments” (if ever need be) with respect to any Obligations; and
- L. Procure expert advice and assistance, if need be, to see to the compliance of the investment of any refunding escrow in connection with any Obligations.

In addition, with respect to any Obligations issued by the County for the benefit of the Rockingham County Public Schools, the County requests the Superintendent (or her designee) to accept responsibility to:

- A. Track expenditures by the Public Schools (including expenditures of investment earnings) in accordance with the provisions of the Tax Code and any SNAP requirements, including VPSA requirements, as may be applicable;

- B. Maintain records for the allocation of proceeds and investment earnings to expenditures, including reimbursement of expenditures; and
- C. Monitor compliance with any applicable “temporary period” or “spending exception” to rebate of arbitrage or any other “exception” or “exemption” (as described above) with respect to rebate of arbitrage compliance by the County and the Rockingham County Public Schools.

Private Activity Concerns.

Private Activity concerns (whether “private use” of bond-financed facilities and/or receipt of “private payments” with respect to Obligations) can arise in the context of various arrangements between an issuer and any “nongovernmental person”. Examples include:

- Management contracts for the operation of a facility financed with proceeds of an Obligation;
- Sale of bond-financed facilities, and lease or sub-lease thereof;
- Special entitlements or preference arrangements for use of a financed facility;
- Agreements for payments by developers with respect to financed facilities; and
- Joint ventures or other “partnering” arrangements with a “nongovernmental person”.

The following policies relate to the monitoring and tracking of “private use” and “private payments” with respect to any facilities financed with the proceeds of the Obligations. The Compliance Officer shall:

- A. Maintain copies of records to track the facilities financed with the proceeds of Obligations and the expenditures therefor;
- B. Track allocations of the proceeds of Obligations (including principal and investment earnings) to qualifying expenditures for the financed facilities, including reimbursement of expenditures by the County (or the Rockingham County Public Schools, as applicable) that were made *prior to* the issuance date;
- C. Track allocations from equity funds (or funds from sources *other than* the proceeds of Obligations, such as donated monies), to pay “non-qualifying” costs (if any);

- D. Monitor any “private use” of facilities financed with Obligations by any “nongovernmental person” (if any) in order to satisfy any allowable percentage limitations, including a periodic review (at least annually) by the Compliance Officer during the term of the Obligations;
- E. Consult with bond counsel or other tax advisor with respect to any proposed arrangement that may result in a “private use” of any financed facilities or receipt of any “private payments” with respect to any Obligation in order for the County to remain in compliance with any percentage limitations or *de minimis* rules, if allowable, under the Tax Code;
- F. Establish procedures to review on a periodic basis any known existing “private use” of financed facilities (or “private payments” with respect to any Obligations), and if any such use shall exceed allowable limits, consult with bond counsel or other tax advisor to determine the appropriate remedial action that shall be required, as further described below; and
- G. Establish procedures to review, *prior to execution*, any new lease, sale contract, management contract, agreement with developer, or any other proposed arrangement with a “nongovernmental person”, and consult with bond counsel or other tax advisor to determine whether such proposed arrangement would result in “private use” or “private payments” with respect to facilities financed with the proceeds of the Obligations such that the tax status thereof would be adversely affected.

Further, with respect to facilities financed with the proceeds of any Obligations issued for the benefit of the Rockingham County Public Schools, the County hereby requests the Superintendent (or her designee) to accept, on behalf of the Rockingham County Public Schools, the responsibility to maintain records described above and to monitor any “private use” of the public school facilities in order to assist the County to comply with any percentage limitations (including at least an annual review during the term of any school bond obligation issued by the County) and to undertake any “remedial actions” if necessary (as described below).

Remedial Actions.

The procedures set forth below relate to “remedial actions” that may be necessary in order for the County to ensure that any “nonqualified bonds” of any issue of Obligations by the County shall be remediated, if necessary. Examples of scenarios that may raise a concern whether any “remedial action” shall be required would include (but not be limited to): (i) sale of bond financed facilities prior to the maturity of the Obligation(s) issued to finance such facilities; (ii) actual or beneficial use of all

or a portion of financed facilities by a private entity and/or use *other than* essential governmental use (i.e., “private use”); (iii) change in use of facilities; and (iv) receipt of payment from a private entity for payment of all or any portion of the principal of and interest on any Obligation (i.e., “private payments”).

In order to carry out such compliance requirements as may be applicable the Compliance Officer shall be aware of options for voluntary corrections by the County for failure to comply with requirements under the Tax Code, and shall be responsible to:

- A. Consult with bond counsel or other qualified tax advisor to identify any “nonqualified” bonds of any issue of Obligations;
- B. Advise the Board immediately whether any remedial actions by the County with respect to any Obligations (such as remedial actions under Treasury Regulations § 1.141-12) should be undertaken; and
- C. Assist the Board to coordinate with bond counsel or other appropriate tax advisor in order for the County to take all such corrective actions as required in an expeditious manner in order to resolve any concern that could adversely affect the exempt status of any of the Obligations.

As an additional resource to the County with respect to remedial actions for any “non-qualifying” portions of an Obligation, attached hereto are copies of Notice 2008-31, effective February 27, 2008, as amended and supplemented on August 5, 2011 (together, the “VCAP Guidance”). The Compliance Officer shall maintain such VCAP Guidance together with this Tax Policy. The County acknowledges and understands that such VCAP Guidance provides information related to the Voluntary Closing Agreement Program (VCAP) for tax-exempt obligations and describes procedures that would be available to resolve violations of the Tax Code through a closing agreement with the IRS.

Reissuance Concerns.

The procedures set forth below relate to rules under the Tax Code regarding “reissuance” of any of the Obligations for tax purposes which may constitute a tax realization event or otherwise result in an adverse affect on the exempt status thereof. In order to carry out such compliance requirements, the Compliance Officer shall:

- A. Consult with bond counsel or other qualified tax advisor to identify whether any proposed post-issuance change to any terms of any of the Obligations would be treated as a reissuance under the Tax Code;

- B. Confirm with bond counsel or other qualified tax advisor whether any remedial action in connection with a change in use of facilities financed with the proceeds of any Obligations would be treated as a reissuance under the Tax Code; and
- C. Request the Board to take any appropriate action to approve any such proposed change (prior to giving effect to such change) and coordinate with bond counsel to file an appropriate new tax Information Return with the IRS on or immediately after the date of giving effect to such change (if required).

Absent advice of bond counsel, the County does not reasonably anticipate that *any* post-issuance changes to the terms of any Obligations shall be undertaken unless and until VPSA (in the case of the County's school bonds), or VRA (in the case of the County's revenue bonds for its water and sewer system facilities), or any bank or other financial institution (in the case of any Obligations that are revenue bonds or "subject to appropriations" by the Board) shall require such modifications. Notwithstanding, whenever any post-issuance changes to the terms of any Obligations or the ultimate use of the proceeds thereof shall be proposed, the Compliance Officer shall consult with such lender and its bond counsel and with bond counsel to the County to evaluate any reissuance concerns (if any) in order to avoid any tax realization event or other adverse tax result.

Record Retention Duties.

In order to continue to carry out the record-keeping compliance requirements, the Board hereby affirms actions described below with respect to the Obligations, and accordingly, the County will continue to:

- A. Maintain all basic records relating to the transaction, including closing papers to demonstrate tax compliance as of the date of issuance and to evidence the County's good faith intentions to comply with the Tax Code throughout the term thereof;
- B. Maintain documents that evidence the allocation and expenditure of proceeds (including all requisitions, invoices, bills, asset lists of financed facilities and equipment and other documentation in the normal course of business to evidence the acquisition, construction and/or equipping of such financed assets), on the date of issuance of the Obligations and thereafter, all other allocations and expenditures of proceeds;
- C. Maintain documents regarding the types of facilities financed with the proceeds of the Obligations (whether land acquisition, buildings or structures, and/or equipment, or other assets), including costs of issuance

financed with such proceeds, and information as to economic or useful life of financed assets and depreciation thereof;

- D. Maintain documents regarding use of the financed property, conduct general and ongoing oversight of such uses, and monitor whether such use continues as general public use for essential governmental purposes;
- E. Comply with Virginia laws regarding the sources of payment by the County and security therefor (whether such security is a pledge of the *ad valorem* taxes of the County, a pledge of revenues of an enterprise fund, or a pledge of the “moral obligation” of the County regarding any “subject to appropriation” arrangement);
- F. Receive and maintain documentation regarding investment of proceeds and rebate calculations (if any shall be required);
- G. Maintain records in a manner that satisfies Virginia law and further, that ensures complete access to the IRS and to any other regulatory or enforcement agency with respect to the Obligations (including hard copies and/or electronic records if such electronic records are maintained in compliance with the Tax Code); and
- H. Maintain all material records with respect to such transactions for as long as the Obligations shall remain outstanding, including any refunding of all or a portion thereof, plus seven (7) years (or any other longer period as may be prescribed by the Tax Code or advised by bond counsel to the County).

Further, with respect to any Obligations issued by the County for the benefit of the Rockingham County Public Schools, the Board hereby requests the Superintendent (or her designee) to accept responsibility to undertake all such record-keeping responsibilities as set forth above and otherwise advised by bond counsel to the County in order for the County and the Rockingham County Public Schools to comply with the record retention requirements as contemplated above.

ACTION:

The County shall continue to adhere to the post-issuance compliance requirements under the Tax Code, as contemplated in this Tax Policy, as updated and amended from time to time, in connection with any Obligations.

To such end, and for such purposes, the Compliance Officer is hereby directed to continue to coordinate with bond counsel to the County or other qualified tax advisor to complete and maintain any IRS-published forms or other materials

regarding post-issuance compliance and any other published checklists and/or questionnaires (as available). Examples of such materials shall be maintained with this Tax Policy as published and generally available.

Further, the Board hereby incorporates the provisions of this Tax Policy, as may be amended and supplemented from time to time, into the appropriate tax documents that were delivered by the County at closing of any of its presently outstanding Obligations. All such actions, and any others as may be practicable under the particular circumstances, have been and shall continue to be undertaken by the County in order to monitor its post-issuance compliance of the Obligations as contemplated herein and required under the Tax Code.

Signature Page follows.

For the convenience of the County, the County Entities, and the Rockingham County Public Schools, signatures may be in counterparts. In addition, the respective dates of adoption by each of the parties are also indicated.

Adopted: March 28, 2012

Adopted: March 28, 2012

[signatures not included here]

oooooOooooo

ADJOURN.

Without objection, the meeting was adjourned at 3:19 p.m.

_____, Chairman

Footnotes for Post-issuance Tax Compliance Procedures:

DRAFT

April 11, 2012

A Meeting of the Board of Directors of the Lilly Subdivision Sanitary District was held on Wednesday, April 11, 2012, at 3:20 p.m., at Broadway High School, 269 Gobbler Drive, Broadway, Virginia.

The following members were present:

PABLO CUEVAS, Election District #1
FREDERICK E. EBERLY, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator
STEPHEN G. KING, Deputy County Administrator
THOMAS H. MILLER, JR., County Attorney
BARRY E. HERTZLER, Director of Public Works
TAMELA S. GRAY, Deputy Clerk

oooooOooooo

CALL TO ORDER.

Chairman Kyger called the meeting to order at 3:20 p.m.

oooooOooooo

APPROVAL OF WAIVER.

On motion by Mr. Cuevas, seconded by Mr. Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board approved the waiver for the special meeting of April 11, 2012.

oooooOooooo

APPROVAL OF MINUTES.

On motion by Mr. Eberly, seconded by Mr. Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CUEVAS – AYE; EBERLY –

AYE; FLOYD – AYE; KYGER – AYE; the Board approved the minutes of the meeting held March 9, 2011.

ooooOoooo

ADOPTION OF POST-ISSUANCE TAX COMPLIANCE PROCEDURES.

Administrator Paxton explained the procedures need to be adopted for all County-associated entities which have debt.

On motion by Mr. Eberly, seconded by Mr. Floyd and carried by a vote of 5-0, voting recorded as follows: BREEDEN – AYE; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; KYGER – AYE; the Board adopted the post-issuance tax compliance procedures as follows:

POST-ISSUANCE TAX COMPLIANCE PROCEDURES

Background - Rockingham County and its “Subordinate” and “On Behalf Of Entities”.

Rockingham County:

Rockingham County, Virginia (the “County”) is a political subdivision of the **Commonwealth of Virginia. The County is governed by an elected Board of Supervisors (the “Board”).** The Board is composed of five (5) members. Pursuant to Virginia law, the County has substantial taxing authority, police and eminent domain powers for its essential governmental purposes, all within the meaning of federal tax laws. The authority of the County to issue general obligation and revenue bonds is described in Article VII, Section 10 of the Virginia Constitution, and Chapter 26 Public Finance Act, Title 15.2 of the Code of Virginia, 1950, as amended (the “Public Finance Act”). In addition, the County may enter into various conduit arrangements, installment lease purchase financings, and other financing arrangements which contemplate “subject to appropriation” provisions for payment of the County’s obligations thereunder, among other things. Generally speaking, the County’s obligations that are subject to the requirements of the Public Finance Act and the exempt bond financing rules include the following financing structures: (i) general obligation school bonds issued to Virginia Public School Authority (VPSA), and (ii) revenue bonds issued to Virginia Resources Authority (VRA). In addition, however, the County is empowered by law to enter into conduit lease revenue arrangements (with the County being a “conduit borrower” pursuant to a rental arrangement that is “subject to appropriations”) and various installment lease purchase and other financing structures which also contemplate payments that are “subject to appropriations”.

Economic Development Authority:

The Board duly established the Industrial Development Authority of Rockingham County, Virginia (the “Authority”) under the provisions of the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended, (the “Revenue Bond Act”). On April 13, 2011, the Board adopted an ordinance amendment renaming the Authority as the “*Economic Development Authority of Rockingham County, Virginia*”. Pursuant to such ordinance amendment, the Authority continues as a political subdivision without interruption in power, authority, purpose or function in accordance with the provisions of the Revenue Bond Act.

As set forth in the Revenue Bond Act, the Board appoints seven (7) directors to the Authority to serve staggered four-year terms. County policy requires that no director shall serve more than two successive terms. Further reference is hereby made to the provisions of the Revenue Bond Act regarding the various state law requirements that govern the creation and due existence of the Authority and describe its powers, including the power to issue bonds and other obligations, under the laws of the Commonwealth of Virginia.

It is to be noted that the Authority, on September 27, 2011, duly approved its *Post-Issuance Compliance Policy for Tax-Exempt Obligations* (the “Authority’s Compliance Policy”). The Authority provided a copy of the Authority’s Compliance Policy to the County and on October 10, 2011, the Board, acting on behalf of the County, agreed to the terms thereof. Further, the County Administrator (and any of his designees from time to time) have agreed to coordinate with the Authority, legal counsel, and any others as may be necessary or convenient, and from time to time, in order for the County to continue to satisfy its post-issuance compliance responsibilities as a “conduit borrower” of the Authority, from time to time, including the SRI Project located in the County at the Rockingham Center for Research and Technology, on Route 11 North of the City of Harrisonburg (financed originally by the Authority in 2007 and refinanced in 2011).

Water and Waste Authorities:

Smith Creek Water and Waste Authority (“Smith Creek”) was duly created by the Board on July 12, 2000, pursuant to Virginia Code § 15.1- 1239 to § 15.1-1270, re-codified as Chapter 51 Water and Sewer Authorities Act, Title 15.2 (the “Water Sewer Act”). Smith Creek is in good standing under the Water Sewer Act, and has not instituted any dissolution proceedings pursuant to § 15.2-5109 thereof. Likewise, the Penn Laird Sewer Authority (“Penn Laird”) was duly created by the Board on October 27, 2004, pursuant to the provisions of the Water Sewer Act. Penn Laird is in good standing under the Water Sewer Act, and has not instituted any dissolution proceedings pursuant to §

15.2-5109 thereof.

Pursuant to the Articles of Incorporation of Smith Creek and Penn Laird, respectively, the members of the boards of each of them are composed of the members of the Board, and accordingly, all members of the boards of Smith Creek and Penn Laird, respectively, serve commensurately during the term of their membership on the Board, not to exceed four (4) years, and such members are automatically deemed elected to the boards of Smith Creek and Penn Laird, respectively, upon their election to the Board.

Further reference is hereby made to the provisions of the Water Sewer Act regarding the various state law requirements that govern Smith Creek and Penn Laird and describe their powers, including the power to issue bonds and other obligations, under the laws of the Commonwealth of Virginia.

Sanitary Districts:

Pursuant to a Court Order entered on January 26, 2000, in the Clerk's Office of the Circuit Court of Rockingham County, Virginia ("Clerk's Office"), the Lilly Subdivision Sanitary District was duly created in the County ("Lilly Subdivision"). In addition, the Countryside Sanitary District ("Countryside") was duly created in the County pursuant to a Court Order entered on December 27, 2001, in the Clerk's Office. General provisions governing Lilly Subdivision and Countryside as duly established sanitary districts located in the County are set forth in Chapter 2 Sanitary Districts of Title 21 of the Virginia Code, Sections 21.112.22 - 21.140.3 *et seq.* (the "Sanitary District Act").

By law, each of the boards of Lilly Subdivision and Countryside (together, the "Districts") are composed of the members of the Board as the governing bodies thereof, and accordingly, the Board appoints its members as the board members of the Districts to act on behalf of each of them, respectively. Further reference is hereby made to the provisions of the Sanitary District Act regarding the various state law requirements that govern the Districts and describe their powers, including the power to enter into various arrangements with the County, among others, and to issue bonds and other obligations, under the laws of the Commonwealth of Virginia.

Statement of Purpose.

The Board, acting on behalf of the County, and further, acting as the respective boards of Smith Creek, Penn Laird, Lilly Subdivision and Countryside (collectively, the "County Entities"), now desires to adopt and implement appropriate post-issuance tax compliance procedures (this "Tax Policy") in conformity with federal tax laws in order for the County and the County Entities, respectively, to monitor their post-

issuance compliance with respect to exempt bond issues, and further, any taxable bond issues or other tax-advantaged issues (if any) that are subject to exempt bond financing rules (collectively, whether currently outstanding or issued after the date hereof, the “Obligations”). Therefore, for convenience herein, references herein to the “County” shall be deemed to include the County Entities, when and to the extent applicable.

Exempt bond requirements applicable to existing Obligations have been (and will be) set forth in a non-arbitrage certificate or other tax certificate or agreement executed by the County at closing. The Board understands, however, that compliance with the requirements under the Internal Revenue Code of 1986, as amended, including Treasury Regulations thereunder (“Tax Code”) is an on-going process necessary during the entire term of the Obligations. This Tax Policy, to the extent practicable, shall document existing practices and shall further describe the on-going procedures and systems applicable for the entire term of the Obligations in order for the County to:

- i. Document its reasonable, good faith expectations with respect to its issuance of the Obligations, including the investment and use of the proceeds thereof;
- ii. Monitor post-issuance compliance of the Obligations according to requirements under the Tax Code; and
- iii. Provide for an ongoing process during the term of the Obligations to demonstrate compliance with requirements that must be satisfied *subsequent to* the issuance date thereof in order that the interest be, or continue to be, excludable from gross income for federal income tax purposes (or, otherwise be deemed to comply with such rules).

The County is a rural locality with a limited number of administrative employees. The Board recognizes that the County, nonetheless, must assume responsibility for ongoing-monitoring functions and consultation with bond counsel and other experts to advise the County with respect to its post-issuance compliance with the provisions of the Tax Code, as such requirements may be amended and supplemented from time to time.

This Tax Policy is not, and is not intended to be, exhaustive. Accordingly, additional or amended compliance requirements may be identified by the County from time to time, acting upon the advice of bond counsel and other experts.

Issuance of Obligations.

The following policies relate to procedures with respect to the issuance of Obligations.

- A. The County has consulted (and shall consult as may be necessary) with bond counsel in connection with the issuances of Obligations.
- B. The County has required (and as to future Obligations, will require) its bond counsel to prepare closing binders (and/or CD or other electronic copies of the transaction documentation) for the official records of the County.
- C. The County, with respect to any Obligations issued for the benefit of the Rockingham County Public Schools, has required (and, in the future will require) its bond counsel to prepare closing binders (and/or CD or other electronic copies of the transaction documentation) for the official records of the Superintendent of the Rockingham County Public Schools (the “Superintendent”) and the Rockingham County Public Schools.
- D. The County has consulted with bond counsel with respect to its currently outstanding Obligations and has required bond counsel to certify that the applicable Information Return has been filed on a timely basis with the IRS (if required). Upon the issuance of any future Obligations, the County again shall require bond counsel to certify that the appropriate Information Return has been duly filed with the IRS (if applicable), on a timely basis.
- E. The County has required (and shall require, as the case may be) the Superintendent (or her designee) to accept responsibility to receive and retain all relevant books and records with respect to the investment, expenditure and use of the proceeds of Obligations.
- F. The County hereby affirms its expectations for the Superintendent (or her designee) to coordinate with the County and with bond counsel to the County with respect to post-issuance compliance matters that relate to the Rockingham County Public Schools, including the investment, spend-down and use of proceeds of any school bonds issued by the County.
- G. The County has consulted with bond counsel with respect to any currently outstanding Obligations that are “bank-qualified” (as described in § 265(b)(3) of the Tax Code), and will consult in connection with any future “bank-qualified” Obligations, in order to confirm its compliance with the various \$10,000,000 “qualified small issuer” requirements described in § 265(b)(3) of the Tax Code.

Post-Issuance Compliance and Procedures - General.

The County Administrator and/or his designee(s) from time to time (including the County Finance Director or any others), shall continue to serve as the appropriate designee(s) of the County (hereinafter, whether individually or collectively, the

“**Compliance Officer**”) who shall be generally responsible to monitor post-issuance compliance with respect to the Obligations.

The Compliance Officer shall:

- A. Continue to coordinate procedures for record retention and review of records that relate to the Obligations, including a review of post-issuance compliance procedures and systems on a periodic basis, at least annually, in order for the County to remain up to date on post-issuance compliance requirements under the Tax Code;
- B. Continue to maintain hard copies and/or electronic media as allowed by the Internal Revenue Service (IRS) from time to time of all documents and records with respect to the Obligations, all official minutes and records of the Board’s actions in connection with the Obligations, and all closing binders;
- C. Continue to be responsible to receive and retain all relevant books and records with respect to the investment and expenditure of the proceeds of any Obligations;
- D. Continue to coordinate with the Superintendent (or her designee) with respect to Obligations issued for the benefit of the Rockingham County Public Schools in order that such persons, together, shall monitor post-issuance compliance with respect to any Obligations issued for capital projects for public school purposes; and
- E. Request the Superintendent (or her designee) to maintain for safe-keeping copies of all documentation and records with respect to any Obligations the proceeds of which are used for capital projects for school purposes for the Rockingham County Public Schools, including closing binders provided to the Superintendent by the County’s bond counsel.

Arbitrage.

In certain calendar years, the County may be treated as meeting the requirements of §148(f)(4)(D) of the Tax Code (the “small issuer exception”). Satisfaction of the requirements of the small issuer exception in a given calendar year will mean that the rebate requirements under the Tax Code will be considered met in connection with any such Obligations. Notwithstanding, the County has covenanted with respect to its Obligations (and shall covenant in connection with future Obligations) to provide for the payment of rebate of arbitrage in the event that any Obligation shall fail to meet all requirements of the small issuer exception or alternatively, shall fail to satisfy all requirements of any applicable “spending exception” to rebate of arbitrage as set forth in the Tax Code, as described below.

In order for the County to satisfy its responsibilities to monitor and cause the calculation of rebate of arbitrage, as necessary, the Compliance Officer shall:

- A. Confirm that a certification of the initial offering prices of the Obligations with such supporting data, if any, required by bond counsel, is included in the closing binder;
- B. Coordinate the tracking of expenditures of the proceeds of the Obligations and the tracking of the expenditures of investment earnings in accordance with the Tax Code;
- C. Maintain a consistent accounting methodology if any project to be financed with the proceeds of any Obligation will be funded with multiple sources of funds in order to track all such various sources of financing and monitor actual expenditures therefrom;
- D. Obtain a computation of the yield on such issue from an appropriate financial advisor, bond trustee, underwriter or other non-arbitrage agent as may be required by the County's lender (such as the State Non-Arbitrage Program, or "SNAP", sponsored by the Virginia Treasury Board), or otherwise as may be selected by the County, including the maintenance of a system for tracking investment earnings;
- E. Maintain appropriate records for the allocation of proceeds of the Obligations and investment earnings thereon to expenditures to pay the costs of the financed project(s), including reimbursement of expenditures paid prior to issuance, and conduct a review of all such expenditures within 18 months after each project financed by the Obligations is placed in service (to determine whether a reallocation of expenditures in accordance with Treasury Regulations § 1.148-6(d) is necessary);
- F. Monitor compliance with any applicable "temporary period" for investment of proceeds or any "spending exception" to rebate of arbitrage or any other "exception" or "exemption" with respect to arbitrage compliance, including any requirements as to yield restriction on the investment of such proceeds, if need be;
- G. Monitor specific compliance with the "Six-Month Spending Exception", the "18-Month Spending Exception", or the "Two-Year Construction Exception", as may be applicable, to the rebate requirements;
- H. Confirm that investments purchased with proceeds of Obligations are purchased at fair market value;

- I. Avoid the creation or designation of any fund that would be expected to be used to be debt service on the Obligations without determining, in advance, whether such fund must be yield-restricted;
- J. Consult with bond counsel or any other appropriate tax advisor *prior to* engaging in any post-issuance transactions that relate to the Obligations;
- K. Procure expert advice and assistance, if need be, to (i) compute any rebate liability and if rebate shall be due, to file an appropriate Form 8038-T for payment of such rebate liability on a timely basis as required under the Tax Code, and/or (ii) compute and pay any “yield restriction payments” (if ever need be) with respect to any Obligations; and
- L. Procure expert advice and assistance, if need be, to see to the compliance of the investment of any refunding escrow in connection with any Obligations.

In addition, with respect to any Obligations issued by the County for the benefit of the Rockingham County Public Schools, the County requests the Superintendent (or her designee) to accept responsibility to:

- A. Track expenditures by the Public Schools (including expenditures of investment earnings) in accordance with the provisions of the Tax Code and any SNAP requirements, including VPSA requirements, as may be applicable;
- B. Maintain records for the allocation of proceeds and investment earnings to expenditures, including reimbursement of expenditures; and
- C. Monitor compliance with any applicable “temporary period” or “spending exception” to rebate of arbitrage or any other “exception” or “exemption” (as described above) with respect to rebate of arbitrage compliance by the County and the Rockingham County Public Schools.

Private Activity Concerns.

Private Activity concerns (whether “private use” of bond-financed facilities and/or receipt of “private payments” with respect to Obligations) can arise in the context of various arrangements between an issuer and any “nongovernmental person”. Examples include:

- Management contracts for the operation of a facility financed with proceeds of an Obligation;
- Sale of bond-financed facilities, and lease or sub-lease thereof;

- Special entitlements or preference arrangements for use of a financed facility;
- Agreements for payments by developers with respect to financed facilities; and
- Joint ventures or other “partnering” arrangements with a “nongovernmental person”.

The following policies relate to the monitoring and tracking of “private use” and “private payments” with respect to any facilities financed with the proceeds of the Obligations. The Compliance Officer shall:

- A. Maintain copies of records to track the facilities financed with the proceeds of Obligations and the expenditures therefor;
- B. Track allocations of the proceeds of Obligations (including principal and investment earnings) to qualifying expenditures for the financed facilities, including reimbursement of expenditures by the County (or the Rockingham County Public Schools, as applicable) that were made *prior to* the issuance date;
- C. Track allocations from equity funds (or funds from sources *other than* the proceeds of Obligations, such as donated monies), to pay “non-qualifying” costs (if any);
- D. Monitor any “private use” of facilities financed with Obligations by any “nongovernmental person” (if any) in order to satisfy any allowable percentage limitations, including a periodic review (at least annually) by the Compliance Officer during the term of the Obligations;
- E. Consult with bond counsel or other tax advisor with respect to any proposed arrangement that may result in a “private use” of any financed facilities or receipt of any “private payments” with respect to any Obligation in order for the County to remain in compliance with any percentage limitations or *de minimis* rules, if allowable, under the Tax Code;
- F. Establish procedures to review on a periodic basis any known existing “private use” of financed facilities (or “private payments” with respect to any Obligations), and if any such use shall exceed allowable limits, consult with bond counsel or other tax advisor to determine the appropriate remedial action that shall be required, as further described below; and
- G. Establish procedures to review, *prior to execution*, any new lease, sale contract, management contract, agreement with developer, or any other

proposed arrangement with a “nongovernmental person”, and consult with bond counsel or other tax advisor to determine whether such proposed arrangement would result in “private use” or “private payments” with respect to facilities financed with the proceeds of the Obligations such that the tax status thereof would be adversely affected.

Further, with respect to facilities financed with the proceeds of any Obligations issued for the benefit of the Rockingham County Public Schools, the County hereby requests the Superintendent (or her designee) to accept, on behalf of the Rockingham County Public Schools, the responsibility to maintain records described above and to monitor any “private use” of the public school facilities in order to assist the County to comply with any percentage limitations (including at least an annual review during the term of any school bond obligation issued by the County) and to undertake any “remedial actions” if necessary (as described below).

Remedial Actions.

The procedures set forth below relate to “remedial actions” that may be necessary in order for the County to ensure that any “nonqualified bonds” of any issue of Obligations by the County shall be remediated, if necessary. Examples of scenarios that may raise a concern whether any “remedial action” shall be required would include (but not be limited to): (i) sale of bond financed facilities prior to the maturity of the Obligation(s) issued to finance such facilities; (ii) actual or beneficial use of all or a portion of financed facilities by a private entity and/or use *other than* essential governmental use (i.e., “private use”); (iii) change in use of facilities; and (iv) receipt of payment from a private entity for payment of all or any portion of the principal of and interest on any Obligation (i.e., “private payments”).

In order to carry out such compliance requirements as may be applicable the Compliance Officer shall be aware of options for voluntary corrections by the County for failure to comply with requirements under the Tax Code, and shall be responsible to:

- A. Consult with bond counsel or other qualified tax advisor to identify any “nonqualified” bonds of any issue of Obligations;
- B. Advise the Board immediately whether any remedial actions by the County with respect to any Obligations (such as remedial actions under Treasury Regulations § 1.141-12) should be undertaken; and
- C. Assist the Board to coordinate with bond counsel or other appropriate tax advisor in order for the County to take all such corrective actions as required in an expeditious manner in order to resolve any concern that could adversely affect the exempt status of any of the Obligations.

As an additional resource to the County with respect to remedial actions for any “non-qualifying” portions of an Obligation, attached hereto are copies of Notice 2008-31, effective February 27, 2008, as amended and supplemented on August 5, 2011 (together, the “VCAP Guidance”). The Compliance Officer shall maintain such VCAP Guidance together with this Tax Policy. The County acknowledges and understands that such VCAP Guidance provides information related to the Voluntary Closing Agreement Program (VCAP) for tax-exempt obligations and describes procedures that would be available to resolve violations of the Tax Code through a closing agreement with the IRS.

Reissuance Concerns.

The procedures set forth below relate to rules under the Tax Code regarding “reissuance” of any of the Obligations for tax purposes which may constitute a tax realization event or otherwise result in an adverse affect on the exempt status thereof. In order to carry out such compliance requirements, the Compliance Officer shall:

- A. Consult with bond counsel or other qualified tax advisor to identify whether any proposed post-issuance change to any terms of any of the Obligations would be treated as a reissuance under the Tax Code;
- B. Confirm with bond counsel or other qualified tax advisor whether any remedial action in connection with a change in use of facilities financed with the proceeds of any Obligations would be treated as a reissuance under the Tax Code; and
- C. Request the Board to take any appropriate action to approve any such proposed change (prior to giving effect to such change) and coordinate with bond counsel to file an appropriate new tax Information Return with the IRS on or immediately after the date of giving effect to such change (if required).

Absent advice of bond counsel, the County does not reasonably anticipate that any post-issuance changes to the terms of any Obligations shall be undertaken unless and until VPSA (in the case of the County’s school bonds), or VRA (in the case of the County’s revenue bonds for its water and sewer system facilities), or any bank or other financial institution (in the case of any Obligations that are revenue bonds or “subject to appropriations” by the Board) shall require such modifications. Notwithstanding, whenever any post-issuance changes to the terms of any Obligations or the ultimate use of the proceeds thereof shall be proposed, the Compliance Officer shall consult with such lender and its bond counsel and with bond counsel to the County to evaluate any reissuance concerns (if any) in order to avoid any tax realization event or other adverse tax result.

Record Retention Duties.

In order to continue to carry out the record-keeping compliance requirements, the Board hereby affirms actions described below with respect to the Obligations, and accordingly, the County will continue to:

- A. Maintain all basic records relating to the transaction, including closing papers to demonstrate tax compliance as of the date of issuance and to evidence the County's good faith intentions to comply with the Tax Code throughout the term thereof;
- B. Maintain documents that evidence the allocation and expenditure of proceeds (including all requisitions, invoices, bills, asset lists of financed facilities and equipment and other documentation in the normal course of business to evidence the acquisition, construction and/or equipping of such financed assets), on the date of issuance of the Obligations and thereafter, all other allocations and expenditures of proceeds;
- C. Maintain documents regarding the types of facilities financed with the proceeds of the Obligations (whether land acquisition, buildings or structures, and/or equipment, or other assets), including costs of issuance financed with such proceeds, and information as to economic or useful life of financed assets and depreciation thereof;
- D. Maintain documents regarding use of the financed property, conduct general and ongoing oversight of such uses, and monitor whether such use continues as general public use for essential governmental purposes;
- E. Comply with Virginia laws regarding the sources of payment by the County and security therefor (whether such security is a pledge of the *ad valorem* taxes of the County, a pledge of revenues of an enterprise fund, or a pledge of the "moral obligation" of the County regarding any "subject to appropriation" arrangement);
- F. Receive and maintain documentation regarding investment of proceeds and rebate calculations (if any shall be required);
- G. Maintain records in a manner that satisfies Virginia law and further, that ensures complete access to the IRS and to any other regulatory or enforcement agency with respect to the Obligations (including hard copies and/or electronic records if such electronic records are maintained in compliance with the Tax Code); and
- H. Maintain all material records with respect to such transactions for as long as the Obligations shall remain outstanding, including any refunding of all

or a portion thereof, plus seven (7) years (or any other longer period as may be prescribed by the Tax Code or advised by bond counsel to the County).

Further, with respect to any Obligations issued by the County for the benefit of the Rockingham County Public Schools, the Board hereby requests the Superintendent (or her designee) to accept responsibility to undertake all such record-keeping responsibilities as set forth above and otherwise advised by bond counsel to the County in order for the County and the Rockingham County Public Schools to comply with the record retention requirements as contemplated above.

ACTION:

The County shall continue to adhere to the post-issuance compliance requirements under the Tax Code, as contemplated in this Tax Policy, as updated and amended from time to time, in connection with any Obligations.

To such end, and for such purposes, the Compliance Officer is hereby directed to continue to coordinate with bond counsel to the County or other qualified tax advisor to complete and maintain any IRS-published forms or other materials regarding post-issuance compliance and any other published checklists and/or questionnaires (as available). Examples of such materials shall be maintained with this Tax Policy as published and generally available.

Further, the Board hereby incorporates the provisions of this Tax Policy, as may be amended and supplemented from time to time, into the appropriate tax documents that were delivered by the County at closing of any of its presently outstanding Obligations. All such actions, and any others as may be practicable under the particular circumstances, have been and shall continue to be undertaken by the County in order to monitor its post-issuance compliance of the Obligations as contemplated herein and required under the Tax Code.

Signature Page follows.

For the convenience of the County, the County Entities, and the Rockingham County Public Schools, signatures may be in counterparts. In addition, the respective dates of adoption by each of the parties are also indicated.

Adopted: March 28, 2012

Adopted: March 28, 2012

[signatures not included here]

oooooOooooo

ADJOURN.

Chairman Kyger declared the meeting adjourned at 3:21 p.m.

Chairman

Footnotes for Post-issuance Tax Compliance Procedures:

March 28, 2012

A Meeting of the Board of Directors of the Penn Laird Sewer Authority was held at 6:30 p.m. on Wednesday March 28, 2012, at the Rockingham County Administration Center, Harrisonburg, Virginia.

PABLO CUEVAS, Election District #1
FREDERICK E. EBERLY, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator
THOMAS H. MILLER, JR., County Attorney
STEPHEN G. KING, Deputy County Administrator
BARRY E. HERTZLER, Director of Public Works
GRETCHEN M. SALLAH, Deputy Clerk
to the Board of Supervisors

oooooOooooo

CALL TO ORDER.

Chairman Kyger called the meeting to order at 6:30 p.m.

oooooOooooo

APPROVAL OF MINUTES.

On motion by Mr. Eberly seconded by Mr. Floyd and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CUEVAS – AYE; EBERLY – AYE; FLOYD - AYE; and KYGER – AYE; the Board approved the minutes of the meeting held on April 22, 2009.

oooooOooooo

ADOPTION OF POST-ISSUANCE TAX COMPLIANCE PROCEDURES.

On motion by Mr. Floyd, seconded by Mr. Eberly and carried by a vote of 5-0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER – AYE; the Board adopted the post-issuance tax compliance procedures as follows:

POST-ISSUANCE TAX COMPLIANCE PROCEDURES

Background - Rockingham County and its “Subordinate” and “On Behalf Of Entities”.

Rockingham County:

Rockingham County, Virginia (the “County”) is a political subdivision of the Commonwealth of Virginia. The County is governed by an elected Board of Supervisors (the “Board”). The Board is composed of five (5) members. Pursuant to Virginia law, the County has substantial taxing authority, police and eminent domain powers for its essential governmental purposes, all within the meaning of federal tax laws. The authority of the County to issue general obligation and revenue bonds is described in Article VII, Section 10 of the Virginia Constitution, and Chapter 26 Public Finance Act, Title 15.2 of the Code of Virginia, 1950, as amended (the “Public Finance Act”). In addition, the County may enter into various conduit arrangements, installment lease purchase financings, and other financing arrangements which contemplate “subject to appropriation” provisions for payment of the County’s obligations thereunder, among other things. Generally speaking, the County’s obligations that are subject to the requirements of the Public Finance Act and the exempt bond financing rules include the following financing structures: (i) general obligation school bonds issued to Virginia Public School Authority (VPSA), and (ii) revenue bonds issued to Virginia Resources Authority (VRA). In addition, however, the County is empowered by law to enter into conduit lease revenue arrangements (with the County being a “conduit borrower” pursuant to a rental arrangement that is “subject to appropriations”) and various installment lease purchase and other financing structures which also contemplate payments that are “subject to appropriations”.

Economic Development Authority:

The Board duly established the Industrial Development Authority of Rockingham County, Virginia (the “Authority”) under the provisions of the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended, (the “Revenue Bond Act”). On April 13, 2011, the Board adopted an ordinance amendment renaming the Authority as the “*Economic*

Development Authority of Rockingham County, Virginia". Pursuant to such ordinance amendment, the Authority continues as a political subdivision without interruption in power, authority, purpose or function in accordance with the provisions of the Revenue Bond Act.

As set forth in the Revenue Bond Act, the Board appoints seven (7) directors to the Authority to serve staggered four-year terms. County policy requires that no director shall serve more than two successive terms. Further reference is hereby made to the provisions of the Revenue Bond Act regarding the various state law requirements that govern the creation and due existence of the Authority and describe its powers, including the power to issue bonds and other obligations, under the laws of the Commonwealth of Virginia.

It is to be noted that the Authority, on September 27, 2011, duly approved its *Post-Issuance Compliance Policy for Tax-Exempt Obligations* (the "Authority's Compliance Policy"). The Authority provided a copy of the Authority's Compliance Policy to the County and on October 10, 2011, the Board, acting on behalf of the County, agreed to the terms thereof. Further, the County Administrator (and any of his designees from time to time) have agreed to coordinate with the Authority, legal counsel, and any others as may be necessary or convenient, and from time to time, in order for the County to continue to satisfy its post-issuance compliance responsibilities as a "conduit borrower" of the Authority, from time to time, including the SRI Project located in the County at the Rockingham Center for Research and Technology, on Route 11 North of the City of Harrisonburg (financed originally by the Authority in 2007 and refinanced in 2011).

Water and Waste Authorities:

Smith Creek Water and Waste Authority ("Smith Creek") was duly created by the Board on July 12, 2000, pursuant to Virginia Code § 15.1- 1239 to § 15.1-1270, re-codified as Chapter 51 Water and Sewer Authorities Act, Title 15.2 (the "Water Sewer Act"). Smith Creek is in good standing under the Water Sewer Act, and has not instituted any dissolution proceedings pursuant to § 15.2-5109 thereof. Likewise, the Penn Laird Sewer Authority ("Penn Laird") was duly created by the Board on October 27, 2004, pursuant to the provisions of the Water Sewer Act. Penn Laird is in good standing under the Water Sewer Act, and has not instituted any dissolution proceedings pursuant to § 15.2-5109 thereof.

Pursuant to the Articles of Incorporation of Smith Creek and Penn Laird, respectively, the members of the boards of each of them are composed of the members of the Board, and accordingly, all members of the boards of Smith Creek and Penn Laird, respectively, serve commensurately during the term of their membership on the Board, not to exceed four (4) years, and such members are automatically deemed elected to the boards of Smith Creek and Penn Laird,

respectively, upon their election to the Board.

Further reference is hereby made to the provisions of the Water Sewer Act regarding the various state law requirements that govern Smith Creek and Penn Laird and describe their powers, including the power to issue bonds and other obligations, under the laws of the Commonwealth of Virginia.

Sanitary Districts:

Pursuant to a Court Order entered on January 26, 2000, in the Clerk's Office of the Circuit Court of Rockingham County, Virginia ("Clerk's Office"), the Lilly Subdivision Sanitary District was duly created in the County ("Lilly Subdivision"). In addition, the Countryside Sanitary District ("Countryside") was duly created in the County pursuant to a Court Order entered on December 27, 2001, in the Clerk's Office. General provisions governing Lilly Subdivision and Countryside as duly established sanitary districts located in the County are set forth in Chapter 2 Sanitary Districts of Title 21 of the Virginia Code, Sections 21.112.22 - 21.140.3 *et seq.* (the "Sanitary District Act").

By law, each of the boards of Lilly Subdivision and Countryside (together, the "Districts") are composed of the members of the Board as the governing bodies thereof, and accordingly, the Board appoints its members as the board members of the Districts to act on behalf of each of them, respectively. Further reference is hereby made to the provisions of the Sanitary District Act regarding the various state law requirements that govern the Districts and describe their powers, including the power to enter into various arrangements with the County, among others, and to issue bonds and other obligations, under the laws of the Commonwealth of Virginia.

Statement of Purpose.

The Board, acting on behalf of the County, and further, acting as the respective boards of Smith Creek, Penn Laird, Lilly Subdivision and Countryside (collectively, the "County Entities"), now desires to adopt and implement appropriate post-issuance tax compliance procedures (this "Tax Policy") in conformity with federal tax laws in order for the County and the County Entities, respectively, to monitor their post-issuance compliance with respect to exempt bond issues, and further, any taxable bond issues or other tax-advantaged issues (if any) that are subject to exempt bond financing rules (collectively, whether currently outstanding or issued after the date hereof, the "Obligations"). Therefore, for convenience herein, references herein to the "County" shall be deemed to include the County Entities, when and to the extent applicable.

Exempt bond requirements applicable to existing Obligations have been (and will be) set forth in a non-arbitrage certificate or other tax certificate or agreement executed

by the County at closing. The Board understands, however, that compliance with the requirements under the Internal Revenue Code of 1986, as amended, including Treasury Regulations thereunder (“Tax Code”) is an on-going process necessary during the entire term of the Obligations. This Tax Policy, to the extent practicable, shall document existing practices and shall further describe the on-going procedures and systems applicable for the entire term of the Obligations in order for the County to:

- i. Document its reasonable, good faith expectations with respect to its issuance of the Obligations, including the investment and use of the proceeds thereof;
- ii. Monitor post-issuance compliance of the Obligations according to requirements under the Tax Code; and
- iii. Provide for an ongoing process during the term of the Obligations to demonstrate compliance with requirements that must be satisfied *subsequent to* the issuance date thereof in order that the interest be, or continue to be, excludable from gross income for federal income tax purposes (or, otherwise be deemed to comply with such rules).

The County is a rural locality with a limited number of administrative employees. The Board recognizes that the County, nonetheless, must assume responsibility for ongoing-monitoring functions and consultation with bond counsel and other experts to advise the County with respect to its post-issuance compliance with the provisions of the Tax Code, as such requirements may be amended and supplemented from time to time.

This Tax Policy is not, and is not intended to be, exhaustive. Accordingly, additional or amended compliance requirements may be identified by the County from time to time, acting upon the advice of bond counsel and other experts.

Issuance of Obligations.

The following policies relate to procedures with respect to the issuance of Obligations.

- A. The County has consulted (and shall consult as may be necessary) with bond counsel in connection with the issuances of Obligations.
- B. The County has required (and as to future Obligations, will require) its bond counsel to prepare closing binders (and/or CD or other electronic copies of the transaction documentation) for the official records of the County.
- C. The County, with respect to any Obligations issued for the benefit of the Rockingham County Public Schools, has required (and, in the future will require) its bond counsel to prepare closing binders (and/or CD or other

electronic copies of the transaction documentation) for the official records of the Superintendent of the Rockingham County Public Schools (the “Superintendent”) and the Rockingham County Public Schools.

- D. The County has consulted with bond counsel with respect to its currently outstanding Obligations and has required bond counsel to certify that the applicable Information Return has been filed on a timely basis with the IRS (if required). Upon the issuance of any future Obligations, the County again shall require bond counsel to certify that the appropriate Information Return has been duly filed with the IRS (if applicable), on a timely basis.
- E. The County has required (and shall require, as the case may be) the Superintendent (or her designee) to accept responsibility to receive and retain all relevant books and records with respect to the investment, expenditure and use of the proceeds of Obligations.
- F. The County hereby affirms its expectations for the Superintendent (or her designee) to coordinate with the County and with bond counsel to the County with respect to post-issuance compliance matters that relate to the Rockingham County Public Schools, including the investment, spend-down and use of proceeds of any school bonds issued by the County.
- G. The County has consulted with bond counsel with respect to any currently outstanding Obligations that are “bank-qualified” (as described in § 265(b)(3) of the Tax Code), and will consult in connection with any future “bank-qualified” Obligations, in order to confirm its compliance with the various \$10,000,000 “qualified small issuer” requirements described in § 265(b)(3) of the Tax Code.

Post-Issuance Compliance and Procedures - General.

The County Administrator and/or his designee(s) from time to time (including the County Finance Director or any others), shall continue to serve as the appropriate designee(s) of the County (hereinafter, whether individually or collectively, the “Compliance Officer”) who shall be generally responsible to monitor post-issuance compliance with respect to the Obligations.

The Compliance Officer shall:

- A. Continue to coordinate procedures for record retention and review of records that relate to the Obligations, including a review of post-issuance compliance procedures and systems on a periodic basis, at least annually, in order for the County to remain up to date on post-issuance compliance requirements under the Tax Code;

- B. Continue to maintain hard copies and/or electronic media as allowed by the Internal Revenue Service (IRS) from time to time of all documents and records with respect to the Obligations, all official minutes and records of the Board's actions in connection with the Obligations, and all closing binders;
- C. Continue to be responsible to receive and retain all relevant books and records with respect to the investment and expenditure of the proceeds of any Obligations;
- D. Continue to coordinate with the Superintendent (or her designee) with respect to Obligations issued for the benefit of the Rockingham County Public Schools in order that such persons, together, shall monitor post-issuance compliance with respect to any Obligations issued for capital projects for public school purposes; and
- E. Request the Superintendent (or her designee) to maintain for safe-keeping copies of all documentation and records with respect to any Obligations the proceeds of which are used for capital projects for school purposes for the Rockingham County Public Schools, including closing binders provided to the Superintendent by the County's bond counsel.

Arbitrage.

In certain calendar years, the County may be treated as meeting the requirements of §148(f)(4)(D) of the Tax Code (the "small issuer exception"). Satisfaction of the requirements of the small issuer exception in a given calendar year will mean that the rebate requirements under the Tax Code will be considered met in connection with any such Obligations. Notwithstanding, the County has covenanted with respect to its Obligations (and shall covenant in connection with future Obligations) to provide for the payment of rebate of arbitrage in the event that any Obligation shall fail to meet all requirements of the small issuer exception or alternatively, shall fail to satisfy all requirements of any applicable "spending exception" to rebate of arbitrage as set forth in the Tax Code, as described below.

In order for the County to satisfy its responsibilities to monitor and cause the calculation of rebate of arbitrage, as necessary, the Compliance Officer shall:

- A. Confirm that a certification of the initial offering prices of the Obligations with such supporting data, if any, required by bond counsel, is included in the closing binder;
- B. Coordinate the tracking of expenditures of the proceeds of the Obligations and the tracking of the expenditures of investment earnings in accordance with the Tax Code;

- C. Maintain a consistent accounting methodology if any project to be financed with the proceeds of any Obligation will be funded with multiple sources of funds in order to track all such various sources of financing and monitor actual expenditures therefrom;
- D. Obtain a computation of the yield on such issue from an appropriate financial advisor, bond trustee, underwriter or other non-arbitrage agent as may be required by the County's lender (such as the State Non-Arbitrage Program, or "SNAP", sponsored by the Virginia Treasury Board), or otherwise as may be selected by the County, including the maintenance of a system for tracking investment earnings;
- E. Maintain appropriate records for the allocation of proceeds of the Obligations and investment earnings thereon to expenditures to pay the costs of the financed project(s), including reimbursement of expenditures paid prior to issuance, and conduct a review of all such expenditures within 18 months after each project financed by the Obligations is placed in service (to determine whether a reallocation of expenditures in accordance with Treasury Regulations § 1.148-6(d) is necessary);
- F. Monitor compliance with any applicable "temporary period" for investment of proceeds or any "spending exception" to rebate of arbitrage or any other "exception" or "exemption" with respect to arbitrage compliance, including any requirements as to yield restriction on the investment of such proceeds, if need be;
- G. Monitor specific compliance with the "Six-Month Spending Exception", the "18-Month Spending Exception", or the "Two-Year Construction Exception", as may be applicable, to the rebate requirements;
- H. Confirm that investments purchased with proceeds of Obligations are purchased at fair market value;
- I. Avoid the creation or designation of any fund that would be expected to be used to be debt service on the Obligations without determining, in advance, whether such fund must be yield-restricted;
- J. Consult with bond counsel or any other appropriate tax advisor prior to engaging in any post-issuance transactions that relate to the Obligations;
- K. Procure expert advice and assistance, if need be, to (i) compute any rebate liability and if rebate shall be due, to file an appropriate Form 8038-T for payment of such rebate liability on a timely basis as required under the Tax Code, and/or (ii) compute and pay any "yield restriction payments" (if ever need be) with respect to any Obligations; and

- L. Procure expert advice and assistance, if need be, to see to the compliance of the investment of any refunding escrow in connection with any Obligations.

In addition, with respect to any Obligations issued by the County for the benefit of the Rockingham County Public Schools, the County requests the Superintendent (or her designee) to accept responsibility to:

- A. Track expenditures by the Public Schools (including expenditures of investment earnings) in accordance with the provisions of the Tax Code and any SNAP requirements, including VPSA requirements, as may be applicable;
- B. Maintain records for the allocation of proceeds and investment earnings to expenditures, including reimbursement of expenditures; and
- C. Monitor compliance with any applicable “temporary period” or “spending exception” to rebate of arbitrage or any other “exception” or “exemption” (as described above) with respect to rebate of arbitrage compliance by the County and the Rockingham County Public Schools.

Private Activity Concerns.

Private Activity concerns (whether “private use” of bond-financed facilities and/or receipt of “private payments” with respect to Obligations) can arise in the context of various arrangements between an issuer and any “nongovernmental person”. Examples include:

- Management contracts for the operation of a facility financed with proceeds of an Obligation;
- Sale of bond-financed facilities, and lease or sub-lease thereof;
- Special entitlements or preference arrangements for use of a financed facility;
- Agreements for payments by developers with respect to financed facilities; and
- Joint ventures or other “partnering” arrangements with a “nongovernmental person”.

The following policies relate to the monitoring and tracking of “private use” and “private payments” with respect to any facilities financed with the proceeds of the Obligations. The Compliance Officer shall:

- A. Maintain copies of records to track the facilities financed with the proceeds of Obligations and the expenditures therefor;
- B. Track allocations of the proceeds of Obligations (including principal and investment earnings) to qualifying expenditures for the financed facilities, including reimbursement of expenditures by the County (or the Rockingham County Public Schools, as applicable) that were made *prior to* the issuance date;
- C. Track allocations from equity funds (or funds from sources *other than* the proceeds of Obligations, such as donated monies), to pay “non-qualifying” costs (if any);
- D. Monitor any “private use” of facilities financed with Obligations by any “nongovernmental person” (if any) in order to satisfy any allowable percentage limitations, including a periodic review (at least annually) by the Compliance Officer during the term of the Obligations;
- E. Consult with bond counsel or other tax advisor with respect to any proposed arrangement that may result in a “private use” of any financed facilities or receipt of any “private payments” with respect to any Obligation in order for the County to remain in compliance with any percentage limitations or *de minimis* rules, if allowable, under the Tax Code;
- F. Establish procedures to review on a periodic basis any known existing “private use” of financed facilities (or “private payments” with respect to any Obligations), and if any such use shall exceed allowable limits, consult with bond counsel or other tax advisor to determine the appropriate remedial action that shall be required, as further described below; and
- G. Establish procedures to review, prior to execution, any new lease, sale contract, management contract, agreement with developer, or any other proposed arrangement with a “nongovernmental person”, and consult with bond counsel or other tax advisor to determine whether such proposed arrangement would result in “private use” or “private payments” with respect to facilities financed with the proceeds of the Obligations such that the tax status thereof would be adversely affected.

Further, with respect to facilities financed with the proceeds of any Obligations issued for the benefit of the Rockingham County Public Schools, the County hereby requests the Superintendent (or her designee) to accept, on behalf of the Rockingham County Public Schools, the responsibility to maintain records described above and to monitor any “private use” of the public school facilities in order to assist the County to comply with any percentage limitations (including at least an annual review during the term of any school bond obligation issued by the County) and to undertake any “remedial

actions” if necessary (as described below).

Remedial Actions.

The procedures set forth below relate to “remedial actions” that may be necessary in order for the County to ensure that any “nonqualified bonds” of any issue of Obligations by the County shall be remediated, if necessary. Examples of scenarios that may raise a concern whether any “remedial action” shall be required would include (but not be limited to): (i) sale of bond financed facilities prior to the maturity of the Obligation(s) issued to finance such facilities; (ii) actual or beneficial use of all or a portion of financed facilities by a private entity and/or use *other than* essential governmental use (i.e., “private use”); (iii) change in use of facilities; and (iv) receipt of payment from a private entity for payment of all or any portion of the principal of and interest on any Obligation (i.e., “private payments”).

In order to carry out such compliance requirements as may be applicable the Compliance Officer shall be aware of options for voluntary corrections by the County for failure to comply with requirements under the Tax Code, and shall be responsible to:

- A. Consult with bond counsel or other qualified tax advisor to identify any “nonqualified” bonds of any issue of Obligations;
- B. Advise the Board immediately whether any remedial actions by the County with respect to any Obligations (such as remedial actions under Treasury Regulations § 1.141-12) should be undertaken; and
- C. Assist the Board to coordinate with bond counsel or other appropriate tax advisor in order for the County to take all such corrective actions as required in an expeditious manner in order to resolve any concern that could adversely affect the exempt status of any of the Obligations.

As an additional resource to the County with respect to remedial actions for any “non-qualifying” portions of an Obligation, attached hereto are copies of Notice 2008-31, effective February 27, 2008, as amended and supplemented on August 5, 2011 (together, the “VCAP Guidance”). The Compliance Officer shall maintain such VCAP Guidance together with this Tax Policy. The County acknowledges and understands that such VCAP Guidance provides information related to the Voluntary Closing Agreement Program (VCAP) for tax-exempt obligations and describes procedures that would be available to resolve violations of the Tax Code through a closing agreement with the IRS.

Reissuance Concerns.

The procedures set forth below relate to rules under the Tax Code regarding “reissuance” of any of the Obligations for tax purposes which may constitute a tax realization event or otherwise result in an adverse affect on the exempt status thereof. In order to carry out such compliance requirements, the Compliance Officer shall:

- A. Consult with bond counsel or other qualified tax advisor to identify whether any proposed post-issuance change to any terms of any of the Obligations would be treated as a reissuance under the Tax Code;
- B. Confirm with bond counsel or other qualified tax advisor whether any remedial action in connection with a change in use of facilities financed with the proceeds of any Obligations would be treated as a reissuance under the Tax Code; and
- C. Request the Board to take any appropriate action to approve any such proposed change (prior to giving effect to such change) and coordinate with bond counsel to file an appropriate new tax Information Return with the IRS on or immediately after the date of giving effect to such change (if required).

Absent advice of bond counsel, the County does not reasonably anticipate that *any* post-issuance changes to the terms of any Obligations shall be undertaken unless and until VPSA (in the case of the County’s school bonds), or VRA (in the case of the County’s revenue bonds for its water and sewer system facilities), or any bank or other financial institution (in the case of any Obligations that are revenue bonds or “subject to appropriations” by the Board) shall require such modifications. Notwithstanding, whenever any post-issuance changes to the terms of any Obligations or the ultimate use of the proceeds thereof shall be proposed, the Compliance Officer shall consult with such lender and its bond counsel and with bond counsel to the County to evaluate any reissuance concerns (if any) in order to avoid any tax realization event or other adverse tax result.

Record Retention Duties.

In order to continue to carry out the record-keeping compliance requirements, the Board hereby affirms actions described below with respect to the Obligations, and accordingly, the County will continue to:

- A. Maintain all basic records relating to the transaction, including closing papers to demonstrate tax compliance as of the date of issuance and to evidence the County’s good faith intentions to comply with the Tax Code throughout the term thereof;

- B. Maintain documents that evidence the allocation and expenditure of proceeds (including all requisitions, invoices, bills, asset lists of financed facilities and equipment and other documentation in the normal course of business to evidence the acquisition, construction and/or equipping of such financed assets), on the date of issuance of the Obligations and thereafter, all other allocations and expenditures of proceeds;
- C. Maintain documents regarding the types of facilities financed with the proceeds of the Obligations (whether land acquisition, buildings or structures, and/or equipment, or other assets), including costs of issuance financed with such proceeds, and information as to economic or useful life of financed assets and depreciation thereof;
- D. Maintain documents regarding use of the financed property, conduct general and ongoing oversight of such uses, and monitor whether such use continues as general public use for essential governmental purposes;
- E. Comply with Virginia laws regarding the sources of payment by the County and security therefor (whether such security is a pledge of the *ad valorem* taxes of the County, a pledge of revenues of an enterprise fund, or a pledge of the “moral obligation” of the County regarding any “subject to appropriation” arrangement);
- F. Receive and maintain documentation regarding investment of proceeds and rebate calculations (if any shall be required);
- G. Maintain records in a manner that satisfies Virginia law and further, that ensures complete access to the IRS and to any other regulatory or enforcement agency with respect to the Obligations (including hard copies and/or electronic records if such electronic records are maintained in compliance with the Tax Code); and
- H. Maintain all material records with respect to such transactions for as long as the Obligations shall remain outstanding, including any refunding of all or a portion thereof, plus seven (7) years (or any other longer period as may be prescribed by the Tax Code or advised by bond counsel to the County).

Further, with respect to any Obligations issued by the County for the benefit of the Rockingham County Public Schools, the Board hereby requests the Superintendent (or her designee) to accept responsibility to undertake all such record-keeping responsibilities as set forth above and otherwise advised by bond counsel to the County in order for the County and the Rockingham County Public Schools to comply with the record retention requirements as contemplated above.

ACTION:

The County shall continue to adhere to the post-issuance compliance requirements under the Tax Code, as contemplated in this Tax Policy, as updated and amended from time to time, in connection with any Obligations.

To such end, and for such purposes, the Compliance Officer is hereby directed to continue to coordinate with bond counsel to the County or other qualified tax advisor to complete and maintain any IRS-published forms or other materials regarding post-issuance compliance and any other published checklists and/or questionnaires (as available). Examples of such materials shall be maintained with this Tax Policy as published and generally available.

Further, the Board hereby incorporates the provisions of this Tax Policy, as may be amended and supplemented from time to time, into the appropriate tax documents that were delivered by the County at closing of any of its presently outstanding Obligations. All such actions, and any others as may be practicable under the particular circumstances, have been and shall continue to be undertaken by the County in order to monitor its post-issuance compliance of the Obligations as contemplated herein and required under the Tax Code.

Signature Page follows.

For the convenience of the County, the County Entities, and the Rockingham County Public Schools, signatures may be in counterparts. In addition, the respective dates of adoption by each of the parties are also indicated.

Adopted: March 28, 2012

Adopted: March 28, 2012

[signatures not included here]

ooooOoooo

JOINT PUBLIC HEARING WITH BOARD OF SUPERVISORS AND SMITH CREEK WATER AND WASTE AUTHORITY.

CONSIDERATION – RESOLUTION APPROVING RESTATED MANAGEMENT AND OPERATING AGREEMENT.

At 6:31 pm, Chairman Kyger called for a public hearing on the proposed resolution.

No one spoke in favor or in opposition of the matter and Chairman Kyger closed the public hearing at 6:32 p.m. and reconvened the regular meeting.

On motion by Mr. Breeden, seconded by Mr. Cuevas and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN – AYE; CUEVAS – AYE; EBERLY – AYE; FLOYD – AYE; and KYGER – AYE; the Board approved the following resolution:

PENN LAIRD SEWER AUTHORITY

March 28, 2012

Current Refunding of 2007 Bond issued by Rockingham County

**RESOLUTION APPROVING
RESTATED MANAGEMENT AND OPERATION AGREEMENT**

WHEREAS, pursuant to Title 15.2 of the Code of Virginia, 1950, as amended, Rockingham County, Virginia (the “County”) is empowered to acquire, purchase, lease as lessor or lessee, construct, improve, extend, operate and maintain a sewer or waste system or any combination thereof, to issue its revenue bonds to pay all or any part of the cost therefor, and to pledge for the payment of principal and interest on its revenue bonds the revenues thereof, so long as the full faith and credit of the Commonwealth of Virginia, the County, or any other political subdivision of the Commonwealth of Virginia are not pledged to the payment of such obligations.

WHEREAS, in order to provide for the long-term financing of costs to (i) acquire, construct and equip facilities and improvements for the use and benefit of Penn Laird, which area is designated on a map titled, “Penn Laird Sewer System” (available for inspection at the office of the County Administrator at 20 East Gay Street, Harrisonburg, Virginia), and (ii) pay issuance expenses in connection therewith (the “2007 Project”), the County issued its Taxable Sewer System Revenue Bond, Series 2007 (the “2007 Bond”), to the United States of America, acting through Rural Utilities Service, an Agency of United States Department of Agriculture (“RUS”), for the benefit of Penn Laird, on August 29, 2007, in the original principal amount of \$382,800.

WHEREAS, Penn Laird has managed and operated the 2007 Project and the Penn Laird Sewer System (together, the “System”) pursuant to the terms of that certain Management and Operating Agreement, dated as of the 29th day of August, 2007, by and between the County and Penn Laird (the “2007 Agreement”).

WHEREAS, the County and Penn Laird desire to provide for the refinancing and current refunding of the outstanding indebtedness under the 2007 Bond, among other things (collectively, such undertakings being referenced herein as the “County’s Refunding Project”).

WHEREAS, to such end, the Board of Supervisors of the County, acting as the governing body of Penn Laird, now desires to approve, among other things, the execution and delivery of that certain Restated Management and Operation Agreement, between the

County and Penn Laird, to be dated and effective on or around April 5, 2012 (the “Restated Agreement”), a substantially final form of which is on file among the official records of Penn Laird, in order to restate the provisions of the 2007 Agreement, provide for the continued management and operation of the System by Penn Laird, and facilitate the undertaking of the County’s Refunding Project including transactions contemplated thereby.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Penn Laird Sewer Authority, as follows:

1. It is hereby determined to be necessary and expedient for Penn Laird to approve the Restated Agreement in order for the County and Penn Laird to provide for the continued management and operation of the System by Penn Laird, and further, to facilitate the undertaking of the County’s Refunding Project. Accordingly, the Board of Penn Laird hereby approves, accepts and confirms the substantially final form of the Restated Agreement as presented at this meeting, including but not limited to the performance of Penn Laird’s obligations thereunder, all as set forth therein and otherwise contemplated in connection with the County’s Refunding Project.

2. The Chairman, the Vice-Chairman, the Chief Administrative Officer and Secretary, any one or more of whom may act, and such other officers of Penn Laird are each hereby authorized and directed to (i) take all proper steps to have the Restated Agreement prepared in final form with such changes, additions and edits as may be necessary or convenient, (ii) execute and deliver the Restated Agreement, (iii) execute and deliver all such additional instruments, documents and certificates as may be necessary or convenient in connection with transactions related to Penn Laird and the System, including the County’s refinancing of the outstanding indebtedness under the 2007 Bond, all as may be contemplated by the County’s Refunding Project, and (iv) take all such further actions, all as may be requested by the County Attorney or Bond Counsel in furtherance of the purposes set forth herein. The execution and delivery of the Restated Agreement, together with any additional instruments, documents and certificates as may be necessary or convenient, all with such completions, omissions, insertions and changes as may be advised by the County Attorney and Bond Counsel to the County consistent with the intent hereof, or as otherwise requested by the County in connection with the County’s Refunding Project, shall be conclusive and no further action shall be necessary on the part of Penn Laird.

3. The Board hereby adopts and implements the post-issuance tax compliance procedures as presented at this meeting, a copy of which is on file with the official records of Penn Laird, in order to monitor post-issuance compliance with respect to the Refunding Bond (as a tax-exempt obligation to be issued by the County) and any other obligations issued by the County for the benefit of Penn Laird (or otherwise issued directly by Penn Laird) that shall be subject to exempt-bond financing rules. The Chief Executive Officer and Secretary (and any of his designee(s) from time to time) shall coordinate with legal counsel and any others as may be necessary or convenient, and

from time to time, in order for Penn Laird to continue to satisfy its post-issuance compliance responsibilities with respect to the Refunding Bond and further, with respect to any obligations related to Penn Laird that are subject to exempt bond financing rules.

4. This Resolution shall take effect immediately.

Approved: March 28, 2011

oooooOooooo

ADJOURN.

Chairman Kyger adjourned the meeting at 6:33 p.m.

Chairman

March 28, 2012

A Meeting of the Board of Directors of the Smith Creek Water and Waste Authority was held on Wednesday, March 28, 2012, at 6:29 p.m., at the Rockingham County Administration Center, Harrisonburg, Virginia.

The following members were present:

PABLO CUEVAS, Election District #1
FREDERICK E. EBERLY, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, Chief Administrative Officer
And Secretary
THOMAS H. MILLER, JR., County Attorney
STEPHEN G. KING, Treasurer
BARRY E. HERTZLER, Director of Public Works
GRETCHEN M. SALLAH, Deputy Clerk
to Board of Supervisors

oooooOooooo

CALL TO ORDER.

Chairman Kyger called the meeting to order at 6:29 p.m.

oooooOooooo

APPROVAL OF MINUTES.

On motion by Mr. Cuevas, seconded by Mr. Floyd and carried by a vote of 5-0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes of the meeting held on June 22, 2005.

ooooOoooo

ADOPTION OF POST-ISSUANCE TAX COMPLIANCE PROCEDURES.

On motion by Mr. Cuevas, seconded by Mr. Eberly and carried by a vote of 5-0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER – AYE; the Board adopted the post-issuance tax compliance procedures as follows:

POST-ISSUANCE TAX COMPLIANCE PROCEDURES

Background - Rockingham County and its “Subordinate” and “On Behalf Of Entities”.

Rockingham County:

Rockingham County, Virginia (the “County”) is a political subdivision of the Commonwealth of Virginia. The County is governed by an elected Board of Supervisors (the “Board”). The Board is composed of five (5) members. Pursuant to Virginia law, the County has substantial taxing authority, police and eminent domain powers for its essential governmental purposes, all within the meaning of federal tax laws. The authority of the County to issue general obligation and revenue bonds is described in Article VII, Section 10 of the Virginia Constitution, and Chapter 26 Public Finance Act, Title 15.2 of the Code of Virginia, 1950, as amended (the “Public Finance Act”). In addition, the County may enter into various conduit arrangements, installment lease purchase financings, and other financing arrangements which contemplate “subject to appropriation” provisions for payment of the County’s obligations thereunder, among other things. Generally speaking, the County’s obligations that are subject to the requirements of the Public Finance Act and the exempt bond financing rules include the following financing structures: (i) general obligation school bonds issued to Virginia Public School Authority (VPSA), and (ii) revenue bonds issued to Virginia Resources Authority (VRA). In addition, however, the County is empowered by law to enter into conduit lease revenue arrangements (with the County being a “conduit borrower” pursuant to a rental arrangement that is “subject to appropriations”) and various installment lease purchase and other financing structures which also contemplate payments that are “subject to appropriations”.

Economic Development Authority:

The Board duly established the Industrial Development Authority of Rockingham County, Virginia (the “Authority”) under the provisions of the

Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended, (the “Revenue Bond Act”). On April 13, 2011, the Board adopted an ordinance amendment renaming the Authority as the “*Economic Development Authority of Rockingham County, Virginia*”. Pursuant to such ordinance amendment, the Authority continues as a political subdivision without interruption in power, authority, purpose or function in accordance with the provisions of the Revenue Bond Act.

As set forth in the Revenue Bond Act, the Board appoints seven (7) directors to the Authority to serve staggered four-year terms. County policy requires that no director shall serve more than two successive terms. Further reference is hereby made to the provisions of the Revenue Bond Act regarding the various state law requirements that govern the creation and due existence of the Authority and describe its powers, including the power to issue bonds and other obligations, under the laws of the Commonwealth of Virginia.

It is to be noted that the Authority, on September 27, 2011, duly approved its *Post-Issuance Compliance Policy for Tax-Exempt Obligations* (the “Authority’s Compliance Policy”). The Authority provided a copy of the Authority’s Compliance Policy to the County and on October 10, 2011, the Board, acting on behalf of the County, agreed to the terms thereof. Further, the County Administrator (and any of his designees from time to time) have agreed to coordinate with the Authority, legal counsel, and any others as may be necessary or convenient, and from time to time, in order for the County to continue to satisfy its post-issuance compliance responsibilities as a “conduit borrower” of the Authority, from time to time, including the SRI Project located in the County at the Rockingham Center for Research and Technology, on Route 11 North of the City of Harrisonburg (financed originally by the Authority in 2007 and refinanced in 2011).

Water and Waste Authorities:

Smith Creek Water and Waste Authority (“Smith Creek”) was duly created by the Board on July 12, 2000, pursuant to Virginia Code § 15.1- 1239 to § 15.1-1270, re-codified as Chapter 51 Water and Sewer Authorities Act, Title 15.2 (the “Water Sewer Act”). Smith Creek is in good standing under the Water Sewer Act, and has not instituted any dissolution proceedings pursuant to § 15.2-5109 thereof. Likewise, the Penn Laird Sewer Authority (“Penn Laird”) was duly created by the Board on October 27, 2004, pursuant to the provisions of the Water Sewer Act. Penn Laird is in good standing under the Water Sewer Act, and has not instituted any dissolution proceedings pursuant to § 15.2-5109 thereof.

Pursuant to the Articles of Incorporation of Smith Creek and Penn Laird, respectively, the members of the boards of each of them are composed of the members of the Board, and accordingly, all members of the boards of Smith Creek and Penn Laird, respectively, serve commensurately during the term of their membership on the Board, not to exceed four (4) years, and such members are automatically deemed elected to the boards of Smith Creek and Penn Laird, respectively, upon their election to the Board.

Further reference is hereby made to the provisions of the Water Sewer Act regarding the various state law requirements that govern Smith Creek and Penn Laird and describe their powers, including the power to issue bonds and other obligations, under the laws of the Commonwealth of Virginia.

Sanitary Districts:

Pursuant to a Court Order entered on January 26, 2000, in the Clerk's Office of the Circuit Court of Rockingham County, Virginia ("Clerk's Office"), the Lilly Subdivision Sanitary District was duly created in the County ("Lilly Subdivision"). In addition, the Countryside Sanitary District ("Countryside") was duly created in the County pursuant to a Court Order entered on December 27, 2001, in the Clerk's Office. General provisions governing Lilly Subdivision and Countryside as duly established sanitary districts located in the County are set forth in Chapter 2 Sanitary Districts of Title 21 of the Virginia Code, Sections 21.112.22 - 21.140.3 *et seq.* (the "Sanitary District Act").

By law, each of the boards of Lilly Subdivision and Countryside (together, the "Districts") are composed of the members of the Board as the governing bodies thereof, and accordingly, the Board appoints its members as the board members of the Districts to act on behalf of each of them, respectively. Further reference is hereby made to the provisions of the Sanitary District Act regarding the various state law requirements that govern the Districts and describe their powers, including the power to enter into various arrangements with the County, among others, and to issue bonds and other obligations, under the laws of the Commonwealth of Virginia.

Statement of Purpose.

The Board, acting on behalf of the County, and further, acting as the respective boards of Smith Creek, Penn Laird, Lilly Subdivision and Countryside (collectively, the "County Entities"), now desires to adopt and implement appropriate post-issuance tax compliance procedures (this "Tax Policy") in conformity with federal tax laws in order for the County and the County Entities, respectively, to monitor their post-

issuance compliance with respect to exempt bond issues, and further, any taxable bond issues or other tax-advantaged issues (if any) that are subject to exempt bond financing rules (collectively, whether currently outstanding or issued after the date hereof, the “Obligations”). Therefore, for convenience herein, references herein to the “County” shall be deemed to include the County Entities, when and to the extent applicable.

Exempt bond requirements applicable to existing Obligations have been (and will be) set forth in a non-arbitrage certificate or other tax certificate or agreement executed by the County at closing. The Board understands, however, that compliance with the requirements under the Internal Revenue Code of 1986, as amended, including Treasury Regulations thereunder (“Tax Code”) is an on-going process necessary during the entire term of the Obligations. This Tax Policy, to the extent practicable, shall document existing practices and shall further describe the on-going procedures and systems applicable for the entire term of the Obligations in order for the County to:

- i. Document its reasonable, good faith expectations with respect to its issuance of the Obligations, including the investment and use of the proceeds thereof;
- ii. Monitor post-issuance compliance of the Obligations according to requirements under the Tax Code; and
- iii. Provide for an ongoing process during the term of the Obligations to demonstrate compliance with requirements that must be satisfied *subsequent to* the issuance date thereof in order that the interest be, or continue to be, excludable from gross income for federal income tax purposes (or, otherwise be deemed to comply with such rules).

The County is a rural locality with a limited number of administrative employees. The Board recognizes that the County, nonetheless, must assume responsibility for ongoing-monitoring functions and consultation with bond counsel and other experts to advise the County with respect to its post-issuance compliance with the provisions of the Tax Code, as such requirements may be amended and supplemented from time to time.

This Tax Policy is not, and is not intended to be, exhaustive. Accordingly, additional or amended compliance requirements may be identified by the County from time to time, acting upon the advice of bond counsel and other experts.

Issuance of Obligations.

The following policies relate to procedures with respect to the issuance of Obligations.

- A. The County has consulted (and shall consult as may be necessary) with bond counsel in connection with the issuances of Obligations.
- B. The County has required (and as to future Obligations, will require) its bond counsel to prepare closing binders (and/or CD or other electronic copies of the transaction documentation) for the official records of the County.
- C. The County, with respect to any Obligations issued for the benefit of the Rockingham County Public Schools, has required (and, in the future will require) its bond counsel to prepare closing binders (and/or CD or other electronic copies of the transaction documentation) for the official records of the Superintendent of the Rockingham County Public Schools (the “Superintendent”) and the Rockingham County Public Schools.
- D. The County has consulted with bond counsel with respect to its currently outstanding Obligations and has required bond counsel to certify that the applicable Information Return has been filed on a timely basis with the IRS (if required). Upon the issuance of any future Obligations, the County again shall require bond counsel to certify that the appropriate Information Return has been duly filed with the IRS (if applicable), on a timely basis.
- E. The County has required (and shall require, as the case may be) the Superintendent (or her designee) to accept responsibility to receive and retain all relevant books and records with respect to the investment, expenditure and use of the proceeds of Obligations.
- F. The County hereby affirms its expectations for the Superintendent (or her designee) to coordinate with the County and with bond counsel to the County with respect to post-issuance compliance matters that relate to the Rockingham County Public Schools, including the investment, spend-down and use of proceeds of any school bonds issued by the County.
- G. The County has consulted with bond counsel with respect to any currently outstanding Obligations that are “bank-qualified” (as described in § 265(b)(3) of the Tax Code), and will consult in connection with any future “bank-qualified” Obligations, in order to confirm its compliance with the various \$10,000,000 “qualified small issuer” requirements described in § 265(b)(3) of the Tax Code.

Post-Issuance Compliance and Procedures - General.

The County Administrator and/or his designee(s) from time to time (including the County Finance Director or any others), shall continue to serve as the appropriate designee(s) of the County (hereinafter, whether individually or collectively, the “Compliance Officer”) who shall be generally responsible to monitor post-issuance compliance with respect to the Obligations.

The Compliance Officer shall:

- A. Continue to coordinate procedures for record retention and review of records that relate to the Obligations, including a review of post-issuance compliance procedures and systems on a periodic basis, at least annually, in order for the County to remain up to date on post-issuance compliance requirements under the Tax Code;
- B. Continue to maintain hard copies and/or electronic media as allowed by the Internal Revenue Service (IRS) from time to time of all documents and records with respect to the Obligations, all official minutes and records of the Board’s actions in connection with the Obligations, and all closing binders;
- C. Continue to be responsible to receive and retain all relevant books and records with respect to the investment and expenditure of the proceeds of any Obligations;
- D. Continue to coordinate with the Superintendent (or her designee) with respect to Obligations issued for the benefit of the Rockingham County Public Schools in order that such persons, together, shall monitor post-issuance compliance with respect to any Obligations issued for capital projects for public school purposes; and
- E. Request the Superintendent (or her designee) to maintain for safe-keeping copies of all documentation and records with respect to any Obligations the proceeds of which are used for capital projects for school purposes for the Rockingham County Public Schools, including closing binders provided to the Superintendent by the County’s bond counsel.

Arbitrage.

In certain calendar years, the County may be treated as meeting the requirements of §148(f)(4)(D) of the Tax Code (the “small issuer exception”). Satisfaction of the requirements of the small issuer exception in a given calendar year will mean that the rebate requirements under the Tax Code will be considered met in connection with any such Obligations. Notwithstanding, the County has covenanted with respect to its Obligations (and shall covenant in connection with future Obligations) to provide for the payment of rebate of arbitrage in the event that any Obligation shall fail to meet all requirements of the small issuer exception or alternatively, shall fail to satisfy all requirements of any applicable “spending exception” to rebate of arbitrage as set forth in the Tax Code, as described below.

In order for the County to satisfy its responsibilities to monitor and cause the calculation of rebate of arbitrage, as necessary, the Compliance Officer shall:

- A. Confirm that a certification of the initial offering prices of the Obligations with such supporting data, if any, required by bond counsel, is included in the closing binder;
- B. Coordinate the tracking of expenditures of the proceeds of the Obligations and the tracking of the expenditures of investment earnings in accordance with the Tax Code;
- C. Maintain a consistent accounting methodology if any project to be financed with the proceeds of any Obligation will be funded with multiple sources of funds in order to track all such various sources of financing and monitor actual expenditures therefrom;
- D. Obtain a computation of the yield on such issue from an appropriate financial advisor, bond trustee, underwriter or other non-arbitrage agent as may be required by the County’s lender (such as the State Non-Arbitrage Program, or “SNAP”, sponsored by the Virginia Treasury Board), or otherwise as may be selected by the County, including the maintenance of a system for tracking investment earnings;
- E. Maintain appropriate records for the allocation of proceeds of the Obligations and investment earnings thereon to expenditures to pay the costs of the financed project(s), including reimbursement of expenditures paid prior to issuance, and conduct a review of all such expenditures within 18 months after each project financed by the Obligations is placed in service (to determine whether a reallocation of expenditures in accordance with Treasury Regulations § 1.148-6(d) is necessary);

- F. Monitor compliance with any applicable “temporary period” for investment of proceeds or any “spending exception” to rebate of arbitrage or any other “exception” or “exemption” with respect to arbitrage compliance, including any requirements as to yield restriction on the investment of such proceeds, if need be;
- G. Monitor specific compliance with the “Six-Month Spending Exception”, the “18-Month Spending Exception”, or the “Two-Year Construction Exception”, as may be applicable, to the rebate requirements;
- H. Confirm that investments purchased with proceeds of Obligations are purchased at fair market value;
- I. Avoid the creation or designation of any fund that would be expected to be used to be debt service on the Obligations without determining, in advance, whether such fund must be yield-restricted;
- J. Consult with bond counsel or any other appropriate tax advisor prior to engaging in any post-issuance transactions that relate to the Obligations;
- K. Procure expert advice and assistance, if need be, to (i) compute any rebate liability and if rebate shall be due, to file an appropriate Form 8038-T for payment of such rebate liability on a timely basis as required under the Tax Code, and/or (ii) compute and pay any “yield restriction payments” (if ever need be) with respect to any Obligations; and
- L. Procure expert advice and assistance, if need be, to see to the compliance of the investment of any refunding escrow in connection with any Obligations.

In addition, with respect to any Obligations issued by the County for the benefit of the Rockingham County Public Schools, the County requests the Superintendent (or her designee) to accept responsibility to:

- A. Track expenditures by the Public Schools (including expenditures of investment earnings) in accordance with the provisions of the Tax Code and any SNAP requirements, including VPSA requirements, as may be applicable;
- B. Maintain records for the allocation of proceeds and investment earnings to expenditures, including reimbursement of expenditures; and
- C. Monitor compliance with any applicable “temporary period” or “spending exception” to rebate of arbitrage or any other “exception” or “exemption” (as described above) with respect to rebate of arbitrage compliance by the

County and the Rockingham County Public Schools.

Private Activity Concerns.

Private Activity concerns (whether “private use” of bond-financed facilities and/or receipt of “private payments” with respect to Obligations) can arise in the context of various arrangements between an issuer and any “nongovernmental person”. Examples include:

- Management contracts for the operation of a facility financed with proceeds of an Obligation;
- Sale of bond-financed facilities, and lease or sub-lease thereof;
- Special entitlements or preference arrangements for use of a financed facility;
- Agreements for payments by developers with respect to financed facilities; and
- Joint ventures or other “partnering” arrangements with a “nongovernmental person”.

The following policies relate to the monitoring and tracking of “private use” and “private payments” with respect to any facilities financed with the proceeds of the Obligations. The Compliance Officer shall:

- A. Maintain copies of records to track the facilities financed with the proceeds of Obligations and the expenditures therefor;
- B. Track allocations of the proceeds of Obligations (including principal and investment earnings) to qualifying expenditures for the financed facilities, including reimbursement of expenditures by the County (or the Rockingham County Public Schools, as applicable) that were made *prior to* the issuance date;
- C. Track allocations from equity funds (or funds from sources *other than* the proceeds of Obligations, such as donated monies), to pay “non-qualifying” costs (if any);
- D. Monitor any “private use” of facilities financed with Obligations by any “nongovernmental person” (if any) in order to satisfy any allowable percentage limitations, including a periodic review (at least annually) by the Compliance Officer during the term of the Obligations;

- E. Consult with bond counsel or other tax advisor with respect to any proposed arrangement that may result in a “private use” of any financed facilities or receipt of any “private payments” with respect to any Obligation in order for the County to remain in compliance with any percentage limitations or *de minimis* rules, if allowable, under the Tax Code;
- F. Establish procedures to review on a periodic basis any known existing “private use” of financed facilities (or “private payments” with respect to any Obligations), and if any such use shall exceed allowable limits, consult with bond counsel or other tax advisor to determine the appropriate remedial action that shall be required, as further described below; and
- G. Establish procedures to review, *prior to execution*, any new lease, sale contract, management contract, agreement with developer, or any other proposed arrangement with a “nongovernmental person”, and consult with bond counsel or other tax advisor to determine whether such proposed arrangement would result in “private use” or “private payments” with respect to facilities financed with the proceeds of the Obligations such that the tax status thereof would be adversely affected.

Further, with respect to facilities financed with the proceeds of any Obligations issued for the benefit of the Rockingham County Public Schools, the County hereby requests the Superintendent (or her designee) to accept, on behalf of the Rockingham County Public Schools, the responsibility to maintain records described above and to monitor any “private use” of the public school facilities in order to assist the County to comply with any percentage limitations (including at least an annual review during the term of any school bond obligation issued by the County) and to undertake any “remedial actions” if necessary (as described below).

Remedial Actions.

The procedures set forth below relate to “remedial actions” that may be necessary in order for the County to ensure that any “nonqualified bonds” of any issue of Obligations by the County shall be remediated, if necessary. Examples of scenarios that may raise a concern whether any “remedial action” shall be required would include (but not be limited to): (i) sale of bond financed facilities prior to the maturity of the Obligation(s) issued to finance such facilities; (ii) actual or beneficial use of all or a portion of financed facilities by a private entity and/or use *other than* essential governmental use (i.e., “private use”); (iii) change in use of facilities; and (iv) receipt of payment from a private entity for payment of all or any portion of the principal of

and interest on any Obligation (i.e., “private payments”).

In order to carry out such compliance requirements as may be applicable the Compliance Officer shall be aware of options for voluntary corrections by the County for failure to comply with requirements under the Tax Code, and shall be responsible to:

- A. Consult with bond counsel or other qualified tax advisor to identify any “nonqualified” bonds of any issue of Obligations;
- B. Advise the Board immediately whether any remedial actions by the County with respect to any Obligations (such as remedial actions under Treasury Regulations § 1.141-12) should be undertaken; and
- C. Assist the Board to coordinate with bond counsel or other appropriate tax advisor in order for the County to take all such corrective actions as required in an expeditious manner in order to resolve any concern that could adversely affect the exempt status of any of the Obligations.

As an additional resource to the County with respect to remedial actions for any “non-qualifying” portions of an Obligation, attached hereto are copies of Notice 2008-31, effective February 27, 2008, as amended and supplemented on August 5, 2011 (together, the “VCAP Guidance”). The Compliance Officer shall maintain such VCAP Guidance together with this Tax Policy. The County acknowledges and understands that such VCAP Guidance provides information related to the Voluntary Closing Agreement Program (VCAP) for tax-exempt obligations and describes procedures that would be available to resolve violations of the Tax Code through a closing agreement with the IRS.

Reissuance Concerns.

The procedures set forth below relate to rules under the Tax Code regarding “reissuance” of any of the Obligations for tax purposes which may constitute a tax realization event or otherwise result in an adverse affect on the exempt status thereof. In order to carry out such compliance requirements, the Compliance Officer shall:

- A. Consult with bond counsel or other qualified tax advisor to identify whether any proposed post-issuance change to any terms of any of the Obligations would be treated as a reissuance under the Tax Code;
- B. Confirm with bond counsel or other qualified tax advisor whether any remedial action in connection with a change in use of facilities financed with the proceeds of any Obligations would be treated as a reissuance under the Tax Code; and

- C. Request the Board to take any appropriate action to approve any such proposed change (prior to giving effect to such change) and coordinate with bond counsel to file an appropriate new tax Information Return with the IRS on or immediately after the date of giving effect to such change (if required).

Absent advice of bond counsel, the County does not reasonably anticipate that *any* post-issuance changes to the terms of any Obligations shall be undertaken unless and until VPSA (in the case of the County's school bonds), or VRA (in the case of the County's revenue bonds for its water and sewer system facilities), or any bank or other financial institution (in the case of any Obligations that are revenue bonds or "subject to appropriations" by the Board) shall require such modifications. Notwithstanding, whenever any post-issuance changes to the terms of any Obligations or the ultimate use of the proceeds thereof shall be proposed, the Compliance Officer shall consult with such lender and its bond counsel and with bond counsel to the County to evaluate any reissuance concerns (if any) in order to avoid any tax realization event or other adverse tax result.

Record Retention Duties.

In order to continue to carry out the record-keeping compliance requirements, the Board hereby affirms actions described below with respect to the Obligations, and accordingly, the County will continue to:

- A. Maintain all basic records relating to the transaction, including closing papers to demonstrate tax compliance as of the date of issuance and to evidence the County's good faith intentions to comply with the Tax Code throughout the term thereof;
- B. Maintain documents that evidence the allocation and expenditure of proceeds (including all requisitions, invoices, bills, asset lists of financed facilities and equipment and other documentation in the normal course of business to evidence the acquisition, construction and/or equipping of such financed assets), on the date of issuance of the Obligations and thereafter, all other allocations and expenditures of proceeds;
- C. Maintain documents regarding the types of facilities financed with the proceeds of the Obligations (whether land acquisition, buildings or structures, and/or equipment, or other assets), including costs of issuance financed with such proceeds, and information as to economic or useful life of financed assets and depreciation thereof;

- D. Maintain documents regarding use of the financed property, conduct general and ongoing oversight of such uses, and monitor whether such use continues as general public use for essential governmental purposes;
- E. Comply with Virginia laws regarding the sources of payment by the County and security therefor (whether such security is a pledge of the *ad valorem* taxes of the County, a pledge of revenues of an enterprise fund, or a pledge of the “moral obligation” of the County regarding any “subject to appropriation” arrangement);
- F. Receive and maintain documentation regarding investment of proceeds and rebate calculations (if any shall be required);
- G. Maintain records in a manner that satisfies Virginia law and further, that ensures complete access to the IRS and to any other regulatory or enforcement agency with respect to the Obligations (including hard copies and/or electronic records if such electronic records are maintained in compliance with the Tax Code); and
- H. Maintain all material records with respect to such transactions for as long as the Obligations shall remain outstanding, including any refunding of all or a portion thereof, plus seven (7) years (or any other longer period as may be prescribed by the Tax Code or advised by bond counsel to the County).

Further, with respect to any Obligations issued by the County for the benefit of the Rockingham County Public Schools, the Board hereby requests the Superintendent (or her designee) to accept responsibility to undertake all such record-keeping responsibilities as set forth above and otherwise advised by bond counsel to the County in order for the County and the Rockingham County Public Schools to comply with the record retention requirements as contemplated above.

ACTION:

The County shall continue to adhere to the post-issuance compliance requirements under the Tax Code, as contemplated in this Tax Policy, as updated and amended from time to time, in connection with any Obligations.

To such end, and for such purposes, the Compliance Officer is hereby directed to continue to coordinate with bond counsel to the County or other qualified tax advisor to complete and maintain any IRS-published forms or other materials regarding post-issuance compliance and any other published checklists and/or

questionnaires (as available). Examples of such materials shall be maintained with this Tax Policy as published and generally available.

Further, the Board hereby incorporates the provisions of this Tax Policy, as may be amended and supplemented from time to time, into the appropriate tax documents that were delivered by the County at closing of any of its presently outstanding Obligations. All such actions, and any others as may be practicable under the particular circumstances, have been and shall continue to be undertaken by the County in order to monitor its post-issuance compliance of the Obligations as contemplated herein and required under the Tax Code.

Signature Page follows.

For the convenience of the County, the County Entities, and the Rockingham County Public Schools, signatures may be in counterparts. In addition, the respective dates of adoption by each of the parties are also indicated.

Adopted: March 28, 2012

Adopted: March 28, 2012

[signatures not included here]

ooooOoooo

JOINT PUBLIC HEARING WITH BOARD OF SUPERVISORS AND PENN LAIRD SEWER AUTHORITY.

CONSIDERATION – RESOLUTION APPROVING ASSIGNMENT OF EASEMENTS AND LEASE AGREEMENT.

At 6:31 pm, Chairman Kyger called for a public hearing on the proposed resolution.

No one spoke in favor or in opposition of the matter and Chairman Kyger closed the public hearing at 6:32 p.m. and reconvened the regular meeting.

On motion by Mr. Cuevas, seconded by Mr. Breeden and carried by a vote of 5-0, voting recorded as follows: BREEDEN - AYE; CUEVAS - AYE; EBERLY – AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following resolution:

SMITH CREEK WATER AND WASTE AUTHORITY

March 28, 2012

Current Refunding of 2005 Bond by Rockingham County

**RESOLUTION APPROVING
ASSIGNMENT OF EASEMENTS AND LEASE AGREEMENT**

WHEREAS, Rockingham County, Virginia (the “County”) has advised the Smith Creek Water and Waste Authority (“Smith Creek”) that the County shall issue its up to \$1,700,000 Wastewater System Revenue Refunding Bond, Series 2012 (“Bank-Qualified”) (the “Refunding Bond”) to SunTrust Bank, as purchaser thereof (the “Bank”) in order to refinance and currently refund the outstanding indebtedness of the Taxable Waste Water System Revenue Bond, Series 2005, issued by Smith Creek to the United States of America, acting through Rural Utilities Service, an Agency of the United States Department of Agriculture (“RUS”), on September 14, 2005, in the original principal amount of \$1,333,000 (the “2005 Bond”), among other things (all such undertakings being collectively referenced herein as the “County’s Refunding Project”).

WHEREAS, proceeds of the 2005 Bond were used by Smith Creek to acquire, construct and equip its waste system to provide sewer collection service to the Route 11 North area in the County, including facilities and other improvements relating thereto.

WHEREAS, pursuant to the plan of financing in connection with the County’s Refunding Project, it is necessary and convenient for Smith Creek to assign the easements with respect to its real estate and facilities, and further, to lease such real estate to the County (together, such easements and real estate being referenced as the “Real Estate”), all as may be necessary for the efficient operation of essential facilities of Smith Creek.

WHEREAS, accordingly, the Board of Supervisors of the County, acting as the governing body of Smith Creek, desires to approve the due execution and delivery of that certain Assignment of Easements, dated as of April 1, 2012, and that certain Lease Agreement, dated as of April 1, 2012 (collectively, the “Smith Creek Documents”), in order for Smith Creek and the County to enter into various leasing arrangements with respect to the Real Estate and thereby enable the County to provide additional security to the Bank for the payment of the Refunding Bond, among other things.

WHEREAS, it is to be understood, however, that the Smith Creek Documents shall be intended solely for security in connection with the County’s pledge of the Rental Payments (as defined therein) to the Bank to secure the payment of the Refunding Bond by the County, among other things, and accordingly, title to the facilities of Smith Creek, including the Real Estate and any improvements thereon or in connection therewith, will be deemed to be in Smith Creek at all times, subject to the County’s right to possession upon the occurrence of an event of default (as defined

in the Smith Creek Documents) or a failure by Smith Creek to appropriate Rental Payments thereunder to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Smith Creek Water and Waste Authority, as follows:

1. It is hereby determined to be necessary and expedient for Smith Creek to approve the Smith Creek Documents and the transactions contemplated thereunder in order for the County and Smith Creek to enter into various leasing arrangements and thereby enable the County to provide additional security to the Bank for the payment of the Refunding Bond, among other things. Accordingly, the Board of Smith Creek hereby approves, accepts and confirms the substantially final forms of the Smith Creek Documents as presented at this meeting, copies of which are on file among the official records of Smith Creek, including but not limited to the performance of Smith Creek's obligations thereunder, all as set forth therein and otherwise contemplated in connection with the County's Refunding Project.

2. The Chairman, the Vice-Chairman, the Chief Executive Officer and Secretary, any one or more of whom may act, and such other officers of Smith Creek as any of them may designate, are each hereby authorized and directed to (i) take all proper steps to have the Smith Creek Documents prepared in final forms with such changes, additions and edits as may be necessary or convenient, (ii) execute and deliver the Smith Creek Documents, and cause the due recordation thereof in the Clerk's Office of the Circuit Court of the County, if required, (iii) execute and deliver all such additional instruments, documents and certificates as may be necessary or convenient in connection with transactions related to Smith Creek and the Smith Creek Documents, including the County's refinancing of the outstanding indebtedness under the 2005 Bond, all as may be contemplated by the County's Refunding Project, and (iv) take all such further actions, all as may be requested by the County, or the County Attorney and Bond Counsel, in furtherance of the purposes set forth herein. The execution and delivery of the Smith Creek Documents, together with any additional instruments, documents and certificates as may be necessary or convenient, all with such completions, omissions, insertions and changes as may be advised by the County Attorney and Bond Counsel to the County consistent with the intent hereof, or as otherwise requested by the County in connection with the County's Refunding Project, shall be conclusive and no further action shall be necessary on the part of Smith Creek.

3. The Board hereby adopts and implements the post-issuance tax compliance procedures as presented at this meeting, a copy of which is on file with the official records of Smith Creek, in order to monitor post-issuance compliance with respect to the Refunding Bond (as a tax-exempt obligation to be issued by the County) and any other obligations issued by the County for the benefit of Smith Creek (or otherwise issued directly by Smith Creek) that shall be subject to exempt-bond financing rules. The Chief Executive Officer and Secretary (and any of his designee(s)

from time to time) shall coordinate with legal counsel and any others as may be necessary or convenient, and from time to time, in order for Smith Creek to continue to satisfy its post-issuance compliance responsibilities with respect to the Refunding Bond and further, with respect to any obligations related to Smith Creek that are subject to exempt bond financing rules, whether currently outstanding or issued after the date hereof.

4. This Resolution shall take effect immediately.

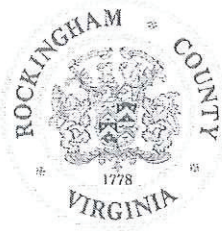
Approved: March 28, 2011

oooooOooooo

ADJOURNMENT.

Chairman Kyger adjourned the meeting at 6:33 p.m.

_____, Chairman



COUNTY of ROCKINGHAM

Finance Department

Jim Allmendinger, CPA
Director of Finance

TO: Board of Supervisors

FROM: Jim Allmendinger, Director of Finance

DATE: January 21, 2015

SUBJECT: Surplus Items

The attached list represents items that are no longer used by Rockingham County. If the Board approves the list for surplus, the items may be sold on the public surplus website.

If you have any questions, please don't hesitate to contact me.

JA/mdw

Cc: County Administrator
Deputy County Administrator

Items to Declare Surplus - January 2015

Dept. #	Department	Description	Quantity
1209	Commissioner of Revenue	Swivel Rolling Chairs Blue - no arms	2
1209	Commissioner of Revenue	Swivel Rolling Chair Maroon - no arms	1
1209	Commissioner of Revenue	Metal Swivel Rolling Chair Brown - no arms	1
1209	Commissioner of Revenue	Swivel Rolling Chairs Maroon with arms	2
4204	Landfill	1986 Chevrolet Blazer Vehicle #8604	1
1221	Central Garage	1997 Ford Crown Victoria Vehicle #9734	1
3302	Jail	1997 Dodge Sport Van Vehicle #9756	1
3102	Sheriff	2007 Ford Crown Victoria Vehicle #2743	1
3102	Sheriff	2007 Ford Crown Victoria Vehicle #2725	1
3102	Sheriff	2006 Ford Crown Victoria Vehicle #2646	1
3102	Sheriff	2005 Ford Crown Victoria Vehicle #2537	1
4402	Utilities	2000 Jeep Cherokee Vehicle #2008	1
3102	Sheriff	2005 Ford Crown Victoria Vehicle #2542	1
3102	Sheriff	2007 Ford Explorer Vehicle #2735	1
3102	Sheriff	2005 Ford Crown Victoria Vehicle #2521	1
3201	Fire & Rescue	2002 Ford Explorer Vehicle #1041	1
3201	Fire & Rescue	1977 Haun Ladder Truck Vehicle #3092	1
4403	Water Treatment	10' diameter x 40' long pre- filter horizontal water tank	1
4403	Water Treatment	Diatomaceous earth water filters (687 gallons each) and appurtenances	5

1. Personnel vacancies

Utilities: no vacancies

Landfill: no vacancies

Refuse & Recycle: no vacancies

Public Works Admin: Construction inspector-also assists with Miss Utility locating

Facilities Maintenance: no vacancies

2. Utilities Operation

At the Albert Long Park, the two water line bores and the sewer line bore have been completed. A&J Excavating has started the earthworks portion of the entrance road but snow and rain have hampered progress on the project. The waterline has been installed from Cross Keys Road to the Rt.33 East crossing. An additional crew is working on the sewer line from the bore pit to the existing manhole at Crossroads Farm. The utility installation has progressed well since it is not as weather sensitive.

The master meter at Mt. Crawford has been installed and is operational. The pressure reducing valve has been adjusted. Staff has been monitoring the flows in order to compare the master meter read at the end of the month with the summation of all the individual service meter reads, which is how the Town's monthly bill has been calculated. This comparison will be discussed with Mt. Crawford in early February.

3. Landfill Operations

The Landfill is moving forward with the update to the scale and billing software. The proposal before the Public Works Committee is to charge all commercial accounts the County tipping fee regardless of where the waste originates. The City would become a single commercial account for waste they bring to the Landfill. This change is proposed to become effective February 2nd.

4. Recycling

If Board members receive questions, the container sites will have space for Christmas tree recycling again this year.

Staff has been working on an area above the recycling loop at the Landfill, to allow customers to dispose of waste in roll off containers instead of driving to the Landfill face. This is to avoid the interaction between residential customers and commercial haulers from a safety perspective. The area has been completed and is generating favorable reviews from residents, especially in bad weather when the face is usually muddy. Additional signage has been placed to direct customers to this area after crossing the scales.

5. Facilities Maintenance

Staff will be starting several projects in the month of January. The lint trap in the laundry area at the jail has been replaced. It was a rather complicated project because of the degree of corrosion of the old steel trap. As previously approved by the Board, the limestone steps on the west side of the Courthouse will be removed, a concrete foundation poured in place, and then the limestone steps will be installed on the new foundation. Flooring in the Human Services building is being replaced. These projects along with the budget preparation will be the focus of staff for the month of January.

6. Three Springs Water Treatment Plant Filter Replacement Project

The new filter system has been operating for 30days without any major glitches. Since the new system doesn't require staff to be present during production, the work schedule for the 3 operators has changed to a 7:00am-3:30pm, seven days a week shift. The Saturday/Sunday shift is covered with one operator due to the need for minimal testing compared to the weekdays.

The plant is now running on both wells. The plan is to run each skid on an individual well at a slow and steady rate instead of the old method of switching wells and running wide open. This should generate a considerable electrical savings due to diminished load demand.

Staff is pursuing the most cost effective demolition of the existing equipment and exploring the possibility of selling the sand filter tank instead of scrapping it. There appears to be value for the tank if the proper buyer can be located. There is no urgency to remove the old equipment.

Respectfully Submitted

Barry E. Hertzler

Director Public Works

CONTENTS/SUMMARY

	Page
1. ...PERSONNEL	
a..... Authorized Positions, Staffing Levels and Highlights.....	2
2. ...BOARD ACTION REQUESTED	
a..... Appointment of Interim Building Official.....	3
3. PROJECTS/REPORTS	
a.....MPO & Non-MPO Bicycle And Pedestrian Plans.....	3
b. ...Rockingham Bicycle Advisory Committee.....	3
c.....MPO South Regional Corridor Study.....	3
4. ...PROJECTS AND REPORTS TABLED BY THE BOARD OF SUPERVISORS	
a.....North Valley Pike Corridor Strategic Plan.....	3
5. ...PLANNING COMMISSION ACTIONS.....	4
6. ...COUNTY INITIATED AMENDMENTS- None.....	4
7. ...UPCOMING PUBLIC HEARINGS	
a.....Agricultural & Forestal District Additions- Two.....	5
b. ...Special Use Permits- None.....	5
c.....Rezoning- None.....	5
d. ...Ordinance Amendments- Five.....	5
8. ...PRIORITY PROJECTS UNDERWAY BY STAFF.....	6
9. REQUESTS TABLED BY THE BOARD OF SUPERVISORS	
a.....Special Use Permits- Three.....	6
b. ...Rezoning- One.....	7
c.....Plans- One.....	7
d. ...Amendments- None.....	7
10. ...BUILDING PERMIT ACTIVITY- DETAILED REPORT	Attached

AUTHORIZED POSITIONS- 29.0

Filled Positions- 21.0

Department Director (Casey Armstrong)

ADMINISTRATIVE

Administrative Assistant (Amanda Wittig)

PERMIT INTAKE & PROCESSING

Permit Specialist II (Leslie Dodrill)

Permit Specialist I (Kelley Ann Weatherholtz)

Permit Specialist I- Part-time (Helen White)

BUILDING CODE ENFORCEMENT

Building Official (Vacant)

Building Plan Reviewer (Joe Shifflett)

Electrical Inspector (J.N. Riddel)

Electrical Inspector (Terry Derrer)

Inspector (Ricky Davis)

Building Inspector (James E. Campbell)

LAND DEVELOPMENT REVIEW

Development Plan Manager (Peter Kesecker)

PLANNING: SHORT- AND LONG-RANGE

Director of Planning (Rhonda Cooper)

Senior Planner (James May)

ZONING CODE ENFORCEMENT

Zoning Administrator (Diana Stultz)

Deputy Zoning Administrator (Diane Lepkowski)

Zoning Technician (Kelly Getz)

GEOGRAPHIC INFORMATION SYSTEMS

GIS Specialist (Mark Rathke)

GIS Technician (Kendrick Smith)

ENVIRONMENTAL SERVICES

Environmental Manager (Lisa Perry)

Erosion Control (Brian Nixon)

Environmental Inspector- Part-time (Adam Hancock)

Vacant Positions- 8.0

Permit Specialist II

Permit Specialist I

Deputy Building Official

Building and Plumbing Inspector

Inspector

Plumbing Inspector

GIS Coordinator

Addressing Technician

Meet our new Environmental Inspector!



Adam Hancock grew up in Chesapeake, Virginia, which is where he met his wife Kelly. He has been in the Air Force Reserves for almost six years and is a senior at Bridgewater College. In his free time he enjoys participating in sports intramurals, mountain biking, snowboarding, and traveling. Some places he has traveled include Europe, South America and Alaska. Adam will work part-time while attending school and will become a full-time employee after his graduation in May, 2015. Welcome, Adam!

BOARD ACTION REQUESTED

The Department is requesting the Board appoint Joseph E. Shifflett as Interim Building Official. Joe has been with the County since 2004, first as Building Inspector and, since 2013, as Building Plan Reviewer.

PROJECTS AND REPORTS

MPO & NON-MPO BICYCLE AND PEDESTRIAN PLANS (Rhonda Cooper)

CSPDC staff is preparing maps and the draft plan. Following the MPO Subcommittee and Rockingham Bicycle Advisory Committee's final review of these items, the MPO TAC will forward the plan to the Policy Board, requesting that the Policy Board release it for public comment. The MPO and County Bicycle and Pedestrian Plans will be presented at a public meeting. The public meeting will be the citizens' and stakeholders' opportunity to review the draft plans and maps within an open house and formal presentation format.

ROCKINGHAM BICYCLE ADVISORY COMMITTEE (RBAC) (Rhonda Cooper)

The next meeting of the RBAC is Thursday, February 19. Kevin McDermott, Transportation Manager for the Central Shenandoah Planning District Commission (CSPDC), and County staff will present the committee's revisions to Chapters 1-6 of draft Bicycle and Pedestrian Plan and revisions to the maps for the committee members' review.

MPO SOUTH REGIONAL CORRIDOR STUDY (Rhonda Cooper)

A committee is currently reviewing revisions to the MPO Route 11 South Regional Study. The MPO Policy Board tabled the original Study on June 21, 2012. The study encompasses part of the County; City; and the Towns of Bridgewater, Dayton, and Mt. Crawford; from Port Republic Road (City) to Dinkel Avenue and from Interstate 81 to Route 42.

PROJECTS AND REPORTS TABLED BY THE BOARD OF SUPERVISORS

NORTH VALLEY PIKE CORRIDOR STRATEGIC PLAN (Rhonda Cooper)

The Board tabled the North Valley Pike Corridor Strategic Plan (NVP Plan) on December 15, 2010. Staff recommends addressing reworking this Plan as part of the next Comprehensive Plan. The website for the North Valley Pike Corridor Study and the draft plan is www.northvalleypikeplan.org.

PLANNING COMMISSION ACTIONS

On January 6, the Commission considered five ordinance amendments. The Board will hear these and two amendments January 28.

Item	Description	Comments/ Recommendations
OA14-314	Table 17-606 Land Use and Zoning Table, Retail Uses, Auction facility. Add to A-1 by special use permit with supplemental standards (SU*).	Approval on 1/6. To be heard by Board on 1/28/15.
OA14-315	Amendment to Chapter 17 (Zoning Ordinance) of the Rockingham County Code, Section 17-607 Supplemental Standards for Certain Land Uses, Auction facility, add A-1 zoning district.	Approval on 1/6. To be heard by Board on 1/28/15.
OA14-320	Amendment to Chapter 17 (Zoning Ordinance) of the Rockingham County Code, Table 17-606 Land Use and Zoning Table, Institutional Uses, Public safety facility. In the S-1 zoning district change public safety facility from SU (special use permit) to P (permitted).	Approval on 1/6. To be heard by Board on 1/28/15.
OA14-321	Amendment to Chapter 17, (Zoning Ordinance) of the Rockingham County Code, Table 17-805.01 Area, Setback, and Height Standards - Conventional, S-1 Public Service, to remove accessory structure requirements from table. Accessory structures will have same requirements as primary structures.	Approval on 1/6. To be heard by Board on 1/28/15.
OA14-322	Amendment to Chapter 17 (Zoning Ordinance) of the Rockingham County Code, Table 17-606 Residential Uses to remove apartment building as a permitted use in the B-1 and B-2 zoning districts.	Approval on 1/6. To be heard by Board on 1/28/15.
AFP14-272	Rockingham County to amend Section 17-504.02 of the Zoning Ordinance, Description of the Dry River Agricultural and Forestal District, to remove Tax Map #105-(A)- L164 due to the vacating of the line between this parcel and parcel 105-(A)- L165, to remove Tax Map #107-(A)- L91LE due to the vacating of the lines between this parcel and parcel 107-(A)- L91, and to add Tax Map #106-(A)- L28A due to the creation of this parcel from parcel 106-(A)- L28 which currently is in the district. The boundaries and the acreage of the district are not changed. The Dry River Agricultural and Forestal District is in Election Districts 2 and 4.	Approval on 12/3. To be heard by Board on 1/28/15.
AFP14-275	Rockingham County to amend Section 17-510.02 of the Zoning Ordinance, Description of the Western Rockingham Agricultural and Forestal District, to remove Tax Map #92-(A)- L174A due to the vacating of the lines between this parcel and parcel 92-(A)- L174. The boundaries and the acreage of the district are not changed. The Western Rockingham Agricultural and Forestal District is in Election Districts 2 and 4.	Approval on 12/3. To be heard by Board on 1/28/15.

COUNTY-INITIATED AMENDMENTS

Request: None

Requestor:

Reason:

Status:

Action:

UPCOMING PUBLIC HEARINGS

January 28, 2014

Board of Supervisors

7:00 p.m.

Agricultural and Forestal District Addition

AFP14-272 Amendment to Section 17-504.02. Description of the Dry River Agricultural and Forestal District to remove Tax Map #105-(A)- L164 due to the vacating of the line between this parcel and parcel 105-(A)- L165, to remove Tax Map #107-(A)- L91LE due to the vacating of the lines between this parcel and parcel 107-(A)- L91, and to add Tax Map #106-(A)- L28A due to the creation of this parcel from parcel 106-(A)- L28 which currently is in the district. The boundaries and the acreage of the district are not changed. The Dry River Agricultural and Forestal District is in Election Districts 2 and 4.

AFP14-275 Amendment to Section 17-510.02. Description of the Western Rockingham Agricultural and Forestal District to remove Tax Map #92-(A)- L174A due to the vacating of the lines between this parcel and parcel 92-(A)- L174. The boundaries and the acreage of the district are not changed. The Western Rockingham Agricultural and Forestal District is in Election Districts 2 and 4.

Special Use Permits

None

Rezoning

None

Ordinance Amendments

OA14-314 Table 17-606 Land Use and Zoning Table, Retail Uses, Auction facility. Add to A-1 by special use permit with supplemental standards (SU*)

OA14-315 Amendment to Chapter 17 (Zoning Ordinance) of the Rockingham County Code, Section 17-607 Supplemental Standards for Certain Land Uses, Auction facility, add A-1 zoning district.

OA14-320 Amendment to Chapter 17 (Zoning Ordinance) of the Rockingham County Code, Table 17-606 Land Use and Zoning Table, Institutional Uses, Public safety facility. In the S-1 zoning district change public safety facility from SU (special use permit) to P (permitted).

OA14-321 Amendment to Chapter 17, (Zoning Ordinance) of the Rockingham County Code, Table 17-805.01 Area, Setback, and Height Standards - Conventional, S-1 Public Service, to remove accessory structure requirements from table. Accessory structures will have same requirements as primary structures.

OA14-322 Amendment to Chapter 17 (Zoning Ordinance) of the Rockingham County Code, Table 17-606 Residential Uses to remove apartment building as a permitted use in the B-1 and B-2 zoning districts.

PRIORITY PROJECTS UNDERWAY BY STAFF

Projects	Lead Person	Status	Target Date
North Valley Pike Corridor Strategic Plan	Rhonda	Board tabled on 12/15/10. Plan elements to be addressed during Comprehensive Plan update.	2016
Rockingham Bicycle Advisory Committee (RBAC)	Rhonda	Next meeting is 1/15/15.	Ongoing

Ongoing Review/Tasks	Lead Person	Status
Deed Review	Diane	21 deeds in process as of 1/20/15; 8 pending review, 13 awaiting revisions
Violations	Kelly	50 active complaints, 16 cases pending legal action as of 1/19/15
Site Plans & Subdivisions	Pete	12 site plans and 6 subdivisions as of 1/20/14
Subdivision Ordinance Variances	Diana	0 requests under review, as of 1/15/15
Zoning Ordinance Variances	Diana	1 request under review, as of 1/15/15
Zoning Appeals	Diana	0 requests under review, as of 1/15/15
Home Occupation Permits	Diana	0 permit requests under review, as of 1/15/15
Home Business Permits	Diana	0 permit requests under review, as of 1/15/15
Special Use Permits	Diana	3 permit requests under review, as of 1/15/15
Rezoning	Rhonda	0 rezoning requests under review, as of 1/14/14
Comprehensive Plan Amendments	Rhonda	0 requests under review, as of 1/14/14
Permits and Fees Processed	TBD	391 total Transactions for month of December 2014
Building Inspections	TBD	982 inspections conducted during December 2014 (averaged 46.76 inspections per/day)
Building Plans	TBD	10 plans under review, as of 01/16/15
Environmental (E&S/Stormwater) Plan Review	Lisa/Brian	15 plans under review as of 1/20/2014, 16 awaiting permit issuance.
Environmental Inspections	Lisa/Brian	122 inspections so far in the month of January.

REQUESTS TABLED BY BOARD OF SUPERVISORS

SPECIAL USE PERMIT APPLICATION(S)					
Year Tabled	Date Tabled	File	Applicant	Request	Election District
2009	Feb. 11	SUP09-07	Dove, Charles William	Residence involving non-family division	2
2010	Feb. 24	SUP10-28	Carrizo (Marcellus), LLC	Gas well drilling	1
2015	Jan. 14	SUP14-273	Meadows, Carl & Lena	private family cemetery	5

REZONING REQUEST(S) and PLAN(S)					
Year Tabled	Date Tabled	File	Applicant	Request	Election District
2010	Nov. 17	REZ10-97	Wayne Good	To rezone 1 acre from A2 (General Agricultural) to M1 (General Industrial) for a trucking business.	3
2010	Dec. 15	NA	North Valley Pike Corridor Strategic Plan	Endorsement of Corridor Strategic Plan for North Valley Pike area from Gravels Road to Vine Street and I-81 to Kratzer Road.	2

ORDINANCE AMENDMENTS				
Year Tabled	Date Tabled	File	Applicant	Request
			None	

DEPARTMENT OF COMMUNITY DEVELOPMENT

Development Activity Report - December 2014

Permits Issued						Fees Collected				
	Dec-14	Dec-13	One Year Change	Jan-Dec 2014	Jan-Dec 2013	Dec-14	Dec-13	One Year Change	Jan-Dec 2014	Jan-Dec 2013
Building										
Commercial/Industrial	6	10	-40.0 %	326	170	\$ 1,679.04	\$ 8,988.37	-81.3 %	\$ 243,641.95	\$ 208,265.26
Manufactured	8	1	700.0 %	34	49	\$ 828.49	\$ 127.50	549.8 %	\$ 3,568.16	\$ 4,935.47
Single Family	16	5	220.0 %	256	408	\$ 16,914.44	\$ 4,989.93	239.0 %	\$ 255,716.28	\$ 361,801.31
Subtotal	30	16		616	627	\$ 19,421.97	\$ 14,105.80		\$ 502,926.39	\$ 575,002.04
Electrical										
	16	31	-48.4 %	253	381	\$ 937.38	\$ 1,860.76	-49.6 %	\$ 14,470.99	\$ 20,543.08
Subtotal	16	31		253	381	\$ 937.38	\$ 1,860.76		\$ 14,470.99	\$ 20,543.08
Mechanical										
	4	4	0.0 %	65	69	\$ 178.50	\$ 280.50	-36.4 %	\$ 4,406.15	\$ 12,388.92
Subtotal	4	4		65	69	\$ 178.50	\$ 280.50		\$ 4,406.15	\$ 12,388.92
Other										
	25	27	-7.4 %	590	563	\$ 4,884.82	\$ 3,188.79	53.2 %	\$ 160,997.86	\$ 121,764.86
Subtotal	25	27		590	563	\$ 4,884.82	\$ 3,188.79		\$ 160,997.86	\$ 121,764.86
Land Use Related										
Erosion and Sediment Permit:	2	2	0.0 %	55	32	\$ 2,244.00	\$ 150.00	1,396.0 %	\$ 86,242.00	\$ 44,750.00
Subtotal	2	2		55	32	\$ 2,244.00	\$ 150.00		\$ 86,242.00	\$ 44,750.00
Total	77	80		1579	1672	\$ 27,666.67	\$ 19,585.85		\$ 769,043.39	\$ 774,448.90

AMENDMENT TO SECTION 17-504.02.

OF THE ZONING ORDINANCE OF

ROCKINGHAM COUNTY, VIRGINIA

ARTICLE 5. SECTION 17-504. DRY RIVER AGRICULTURAL AND FORESTAL DISTRICT.

17-504.02. Description.

The Dry River Agricultural and Forestal District shall consist of the following land: two hundred fifty-nine (259) parcels spanning six thousand, four hundred forty-six (6,446) acres, generally located south of Hinton, west of John Wayland Highway (Rt. 42), east of Ottobine, and north of the Town of Bridgewater, which includes the parcels shown on Rockingham County Real Estate Maps, as of the effective date of this district, numbered as:

90-(A)- L135, 90-(A)- L136, 90-(A)- L137, 91-(8)- L1, 91-(8)- L1A, 91-(8)- L2, 91-(8)- L3, 91-(A)- L69, 91-(A)- L71, 91-(A)- L81, 91-(A)- L214A, 104-(2)- L1, 104-(2)- L1F, 104-(2)- L1G, 104-(A)- L96, 104-(A)- L149A, 104-(A)- L149C, 104-(A)- L152, 105-(2)- L1, 105-(2)- L2, 105-(A)- L51, 105-(A)- L65A, 105-(A)- L66A, 105-(A)- L66B, 105-(A)- L67, 105-(A)- L69, 105-(A)- L70, 105-(A)- L71, 105-(A)- L72, 105-(A)- L76, 105-(A)- L82D, 105-(A)- L115E, 105-(A)- L121, 105-(A)- L122, 105-(A)- L148, 105-(A)- L149, 105-(A)- L149A, 105-(A)- L150, 105-(A)- L150A, 105-(A)- L151, 105-(A)- L152, 105-(A)- L153, 105-(A)- L154, 105-(A)- L155, 105-(A)- L156, ~~105-(A)- L164~~, 105-(A)- L165, 105-(A)- L167, 105-(A)- L169, 105-(A)- L171, 105-(A)- L172A, 105-(A)- L172B1, 105-(A)- L172C, 105-(A)- L173, 105-(A)- L173A, 105-(A)- L175, 105-(A)- L176, 105-(A)- L177, 105-(A)- L178A, 105-(A)- L178B, 105-(A)- L183F, 105-(A)- L189B, 105-(A)- L190, 105-(A)- L191, 106-(1)- L1, 106-(1)- L2, 106-(1)- L2B, 106-(1)- L2B1, 106-(A)- L2A, 106-(A)- L2A1, 106-(A)- L3, 106-(A)- L4, 106-(A)- L6, 106-(A)- L10, 106-(A)- L17, 106-(A)- L18, 106-(A)- L21, 106-(A)- L25, 106-(A)- L25A, 106-(A)- L27, 106-(A)- L28, ~~106-(A)- L28A~~, 106-(A)- L30, 106-(A)- L31, 106-(A)- L32, 106-(A)- L33, 106-(A)- L33A, 106-(A)- L34A, 106-(A)- L35, 106-(A)- L35A, 106-(A)- L36, 106-(A)- L37, 106-(A)- L45, 106-(A)- L46, 106-(A)- L46B, 106-(A)- L47, 106-(A)- L47A, 106-(A)- L48, 106-(A)- L49, 106-(A)- L49A, 106-(A)- L52A1, 106-(A)- L53, 106-(A)- L62A, 106-(A)- L62B, 106-(A)- L62D, 106-(A)- L62F, 106-(A)- L63A, 106-(A)- L63B, 106-(A)- L69, 106-(A)- L70, 106-(A)- L70A, 106-(A)- L71, 106-(A)- L72, 106-(A)- L73, 106-(A)- L74, 106-(A)- L75, 106-(A)- L75A, 106-(A)- L76, 106-(A)- L80, 106-(A)- L80A, 106-(A)- L80B, 106-(A)- L91, 106-(A)- L92, 106-(A)- L93, 106-(A)- L94, 106-(A)- L95, 106-(A)- L96, 106-(A)- L97, 106-(A)- L98, 106-(A)- L98A, 106-(A)- L99A, 106-(A)- L101, 106-(A)- L101A, 106-(A)- L105, 106-(A)- L107, 106-(A)- L108, 106-(A)- L120, 106-(A)- L121, 106-(A)- L124, 106-(A)- L127, 106-(A)- L127B, 106-(A)- L128, 106-(A)- L128A, 106-(A)- L129, 106-(A)- L130, 106-(A)- L132, 106-(A)- L132A, 106-(A)- L133, 106-(A)- L134, 106-(A)- L136, 106-(A)- L136B, 106-(A)- L137, 106-(A)- L140, 106-(A)- L141, 106-(A)- L141A, 106-(A)- L142, 106-(A)- L144, 106-(A)- L146, 106-(A)- L147, 106-(A)- L148, 106-(A)- L149, 106-(A)- L149B, 106-(A)- L150A, 106-(A)- L151, 106-(A)- L152, 106-(A)- L153, 107-(A)- L2A6, 107-(A)- L82, 107-(A)- L83, 107-(A)- L85, 107-(A)- L86, 107-(A)- L88, 107-(A)- L88B, 107-(A)- L90, 107-(A)- L91, ~~107-(A)- L91E~~, 107-(A)- L92, 107-(A)- L95, 107-(A)- L96, 107-(A)- L98, 107-(A)- L100, 107-(A)- L102, 107-(A)- L103, 107-(A)- L104C, 107-(A)- L105, 107-(A)- L106, 107-(A)- L107, 107-(A)- L107A, 107-(A)- L108, 107-(A)- L109, 107-(A)- L112, 107-(A)- L116, 107-(A)- L117, 107-(A)- L118, 107-(A)- L122A1, 107-(A)- L123A, 107-(A)- L130B, 107-(A)- L131, 107-(A)- L133A, 107-(A)- L144B, 107-(A)- L149, 107-(A)- L150, 122-(4)- L1, 122-(4)- L1A, 122-(4)- L2, 122-(4)- L3A, 122-(4)- L4B, 122-(4)- L5, 122-(5)- L1, 122-(5)- L2, 122-(5)- L3, 122-(A)- L1, 122-(A)- L1C, 122-(A)- L28, 122-(A)- L33, 122-(A)- L34A, 122-(A)- L77,

AMENDMENT TO SECTION 17-504.02.

OF THE ZONING ORDINANCE OF

ROCKINGHAM COUNTY, VIRGINIA

122-(A)- L78, 122-(A)- L80, 122-(A)- L85, 122-(A)- L85A, 122-(A)- L85B, 122-(A)- L87, 122-(A)- L88, 122-(A)- L94B, 122-(A)- L94B1, 122-(A)- L94B2, 122-(A)- L98, 122-(A)- L104, 122-(A)- L107A, 122-(A)- L107B, 122-(A)- L109, 122-(A)- L110, 122-(A)- L111, 122-(A)- L114, 122-(A)- L132, 122-(A)- L133, 122-(A)- L134, 122-(A)- L136, 122-(A)- L137, 122-(A)- L142, 122-(A)- L144, 122-(A)- L144A1, 122-(A)- L144A2, 122-(A)- L145, 122-(A)- L145A, 122-(A)- L145B, 122-(A)- L145C, 122-(A)- L147A, 122-(A)- L148, 122-(A)- L148A, 122-(A)- L149, 122-(A)- L150, 123-(1)- L1, 123-(1)- L1B, 123-(1)- L2C, 123-(A)- L8, 123-(A)- L8A, and 123-(A)- L24.

Staff Recommendation: Approval

November 19, 2014

In February of 2014, the property line between parcels 105-(A)- L164 and 105-(A)- L165 was vacated, with Tax Map # 105-(A)- L164 deleted from the real estate records. In March of 2014, parcel 106-(A)- L28A was created from parcel 106-(A)- L28. In April of 2014, the life estate on parcel 107-(A)- L91LE was released, vacating the property line between parcels 107-(A)- L91 and 107-(A)- L91LE, with Tax Map # 107-(A)- L91LE deleted from the real estate records. This amendment corrects the description of the district without changing the total acreage or the general description. Staff recommends approval.

Planning Commission Recommendation: Approval

December 2, 2014

As this amendment recognizes internal boundary adjustments that have not impacted the total land or the description of the district, the Commission recommends approval.



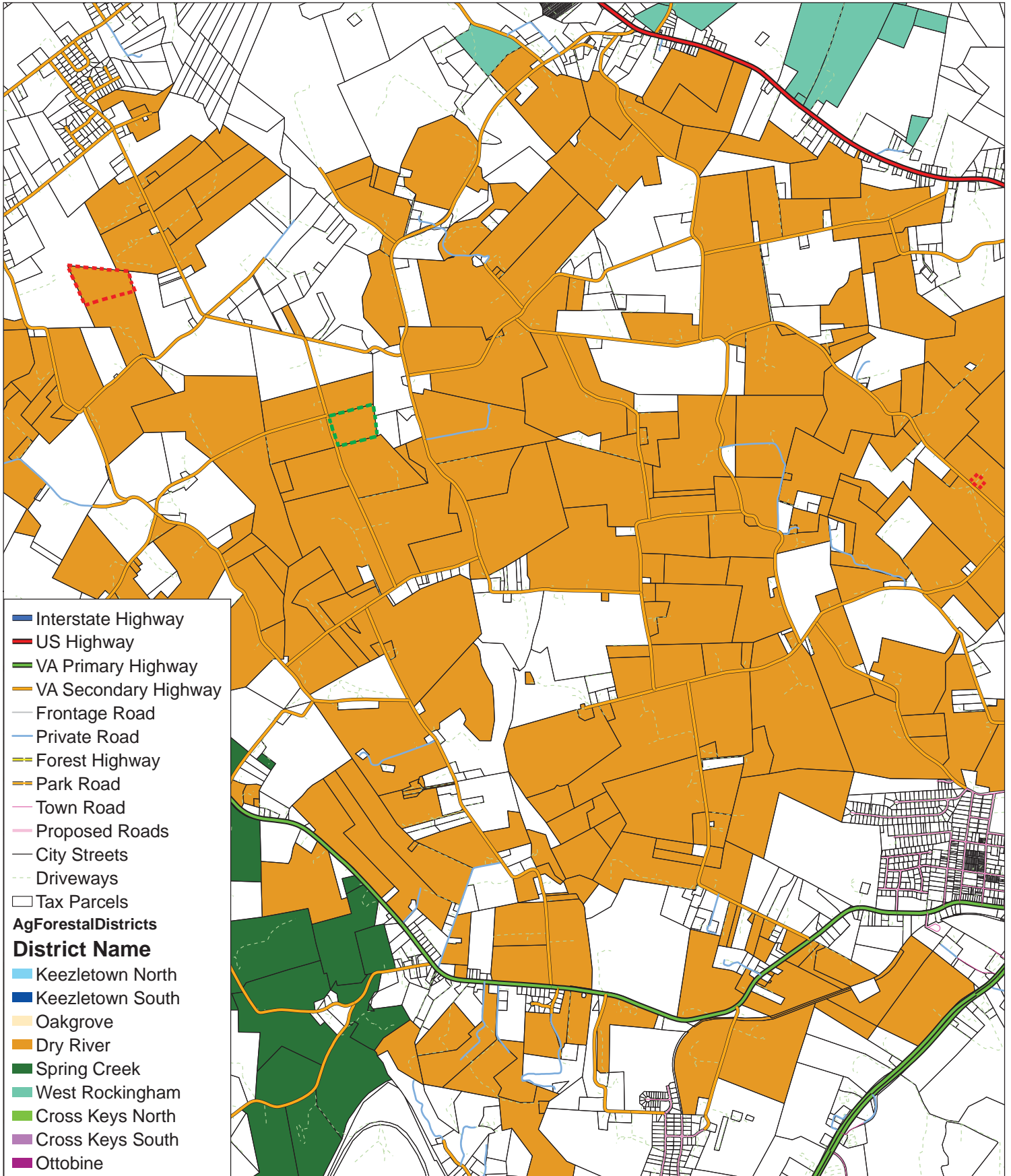
Rockingham County

0 2,650 5,300 Feet



*Parcel information displayed on this map is currently under development. Rockingham County assumes no liability for any errors, omissions, or inaccuracies.

Community Development Desktop GIS Browser



ORDINANCE REPEALING AND RE-ENACTING

SECTION 17-504.02.

OF THE CODE OF ORDINANCES OF

ROCKINGHAM COUNTY, VIRGINIA

BE IT ORDAINED BY THE BOARD OR SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Section 17-504. Dry River Agricultural And Forestal District be and hereby is repealed and re-enacted as follows:

17-504.02. Description.

The Dry River Agricultural and Forestal District shall consist of the following land: two hundred fifty-nine (259) parcels spanning six thousand, four hundred forty-six (6,446) acres, generally located south of Hinton, west of John Wayland Highway (Rt. 42), east of Ottobine, and north of the Town of Bridgewater, which includes the parcels shown on Rockingham County Real Estate Maps, as of the effective date of this district, numbered as:

90-(A)- L135, 90-(A)- L136, 90-(A)- L137, 91-(8)- L1, 91-(8)- L1A, 91-(8)- L2, 91-(8)- L3, 91-(A)- L69, 91-(A)- L71, 91-(A)- L81, 91-(A)- L214A, 104-(2)- L1, 104-(2)- L1F, 104-(2)- L1G, 104-(A)- L96, 104-(A)- L149A, 104-(A)- L149C, 104-(A)- L152, 105-(2)- L1, 105-(2)- L2, 105-(A)- L51, 105-(A)- L65A, 105-(A)- L66A, 105-(A)- L66B, 105-(A)- L67, 105-(A)- L69, 105-(A)- L70, 105-(A)- L71, 105-(A)- L72, 105-(A)- L76, 105-(A)- L82D, 105-(A)- L115E, 105-(A)- L121, 105-(A)- L122, 105-(A)- L148, 105-(A)- L149, 105-(A)- L149A, 105-(A)- L150, 105-(A)- L150A, 105-(A)- L151, 105-(A)- L152, 105-(A)- L153, 105-(A)- L154, 105-(A)- L155, 105-(A)- L156, 105-(A)- L165, 105-(A)- L167, 105-(A)- L169, 105-(A)- L171, 105-(A)- L172A, 105-(A)- L172B1, 105-(A)- L172C, 105-(A)- L173, 105-(A)- L173A, 105-(A)- L175, 105-(A)- L176, 105-(A)- L177, 105-(A)- L178A, 105-(A)- L178B, 105-(A)- L183F, 105-(A)- L189B, 105-(A)- L190, 105-(A)- L191, 106-(1)- L1, 106-(1)- L2, 106-(1)- L2B, 106-(1)- L2B1, 106-(A)- L2A, 106-(A)- L2A1, 106-(A)- L3, 106-(A)- L4, 106-(A)- L6, 106-(A)- L10, 106-(A)- L17, 106-(A)- L18, 106-(A)- L21, 106-(A)- L25, 106-(A)- L25A, 106-(A)- L27, 106-(A)- L28, 106-(A)- L28A, 106-(A)- L30, 106-(A)- L31, 106-(A)- L32, 106-(A)- L33, 106-(A)- L33A, 106-(A)- L34A, 106-(A)- L35, 106-(A)- L35A, 106-(A)- L36, 106-(A)- L37, 106-(A)- L45, 106-(A)- L46, 106-(A)- L46B, 106-(A)- L47, 106-(A)- L47A, 106-(A)- L48, 106-(A)- L49, 106-(A)- L49A, 106-(A)- L52A1, 106-(A)- L53, 106-(A)- L62A, 106-(A)- L62B, 106-(A)- L62D, 106-(A)- L62F, 106-(A)- L63A, 106-(A)- L63B, 106-(A)- L69, 106-(A)- L70, 106-(A)- L70A, 106-(A)- L71, 106-(A)- L72, 106-(A)- L73, 106-(A)- L74, 106-(A)- L75, 106-(A)- L75A, 106-(A)- L76, 106-(A)- L80, 106-(A)- L80A, 106-(A)- L80B, 106-(A)- L91, 106-(A)- L92, 106-(A)- L93, 106-(A)- L94, 106-(A)- L95, 106-(A)- L96, 106-(A)- L97, 106-(A)- L98, 106-(A)- L98A, 106-(A)- L99A, 106-(A)- L101, 106-(A)- L101A, 106-(A)- L105, 106-(A)- L107, 106-(A)- L108, 106-(A)- L120, 106-(A)- L121, 106-(A)- L124, 106-(A)- L127, 106-(A)- L127B, 106-(A)- L128, 106-(A)- L128A, 106-(A)- L129, 106-(A)- L130, 106-(A)- L132, 106-(A)- L132A, 106-(A)- L133, 106-(A)- L134, 106-(A)- L136, 106-(A)- L136B, 106-(A)- L137, 106-(A)- L140, 106-(A)- L141, 106-(A)- L141A, 106-(A)- L142, 106-(A)- L144, 106-(A)- L146, 106-(A)- L147, 106-(A)- L148, 106-(A)- L149, 106-(A)- L149B, 106-(A)- L150A, 106-(A)- L151, 106-(A)- L152, 106-(A)- L153, 107-(A)- L2A6, 107-(A)- L82, 107-(A)- L83, 107-(A)- L85, 107-(A)- L86, 107-(A)- L88, 107-(A)- L88B, 107-(A)- L90, 107-(A)- L91, 107-(A)- L92, 107-(A)- L95, 107-(A)- L96, 107-(A)- L98, 107-(A)- L100, 107-(A)- L102, 107-(A)- L103, 107-(A)- L104C, 107-(A)- L105, 107-(A)- L106, 107-(A)- L107, 107-(A)- L107A, 107-(A)- L108, 107-(A)- L109, 107-(A)- L112, 107-(A)- L116, 107-(A)- L117, 107-(A)- L118,

ORDINANCE REPEALING AND RE-ENACTING

SECTION 17-504.02.

OF THE CODE OF ORDINANCES OF

ROCKINGHAM COUNTY, VIRGINIA

107-(A)- L122A1, 107-(A)- L123A, 107-(A)- L130B, 107-(A)- L131, 107-(A)- L133A, 107-(A)- L144B, 107-(A)- L149, 107-(A)- L150, 122-(4)- L1, 122-(4)- L1A, 122-(4)- L2, 122-(4)- L3A, 122-(4)- L4B, 122-(4)- L5, 122-(5)- L1, 122-(5)- L2, 122-(5)- L3, 122-(A)- L1, 122-(A)- L1C, 122-(A)- L28, 122-(A)- L33, 122-(A)- L34A, 122-(A)- L77, 122-(A)- L78, 122-(A)- L80, 122-(A)- L85, 122-(A)- L85A, 122-(A)- L85B, 122-(A)- L87, 122-(A)- L88, 122-(A)- L94B, 122-(A)- L94B1, 122-(A)- L94B2, 122-(A)- L98, 122-(A)- L104, 122-(A)- L107A, 122-(A)- L107B, 122-(A)- L109, 122-(A)- L110, 122-(A)- L111, 122-(A)- L114, 122-(A)- L132, 122-(A)- L133, 122-(A)- L134, 122-(A)- L136, 122-(A)- L137, 122-(A)- L142, 122-(A)- L144, 122-(A)- L144A1, 122-(A)- L144A2, 122-(A)- L145, 122-(A)- L145A, 122-(A)- L145B, 122-(A)- L145C, 122-(A)- L147A, 122-(A)- L148, 122-(A)- L148A, 122-(A)- L149, 122-(A)- L150, 123-(1)- L1, 123-(1)- L1B, 123-(1)- L2C, 123-(A)- L8, 123-(A)- L8A, and 123-(A)- L24.

Adopted the 14th day of January, 2015.

Aye Nay Abstain Absent

Supervisor Cuevas

Supervisor Eberly

Supervisor Chandler

Supervisor Kyger

Supervisor Breeden

Chairman of the Board of Supervisors

ATTESTE: _____
Clerk

AMENDMENT TO SECTION 17-510.02.

OF THE ZONING ORDINANCE OF

ROCKINGHAM COUNTY, VIRGINIA

ARTICLE 5. SECTION 17-510. WESTERN ROCKINGHAM AGRICULTURAL AND FORESTAL DISTRICT.

17-510.02. Description.

The Western Rockingham Agricultural and Forestal District shall consist of the following land: one hundred fifty-two (152) parcels spanning six thousand twenty-five (6,025) acres generally bounded on the south by Rawley Pike (Rt. 33), ranging within three hundred (300) feet of the Harrisonburg city limits in the southeast to George Washington National Forest in the northwest. In the north, the district extends to Greenmount Road and north of Chrisman Road. In the east, the district extends to Fort Lynne Road. In the west, the district extends to Whitmore Shop Road. The following parcels shown on county real estate maps, as of the effective date of this district, are numbered as:

61-(2)- L3, 61-(A)- L34, 61-(A)- L56, 76-(2)- L1, 76-(2)- L2, 76-(3)- L9, 76-(A)- L37, 76-(A)- L38A, 76-(A)- L39, 76-(A)- L39A, 76-(A)- L40, 76-(A)- L40A, 76-(A)- L41, 76-(A)- L41B, 76-(A)- L42, 76-(A)- L43, 76-(A)- L45, 76-(A)- L45A, 76-(A)- L47A, 76-(A)- L54, 76-(A)- L57, 76-(A)- L57B, 76-(A)- L57D, 77-(4)- L1, 77-(A)- L1, 77-(A)- L3, 77-(A)- L3A1, 77-(A)- L4A, 77-(A)- L5B, 77-(A)- L5B1, 77-(A)- L13A, 77-(A)- L21, 77-(A)- L21C, 77-(A)- L23B, 77-(A)- L23B3, 77-(A)- L28, 77-(A)- L29, 77-(A)- L36, 77-(A)- L55, 77-(A)- L101, 77-(A)- L101B, 77-(A)- L101B1, 77-(A)- L119, 77-(A)- L119C, 77-(A)- L128, 77-(A)- L129, 77-(A)- L131A, 77-(A)- L132, 78-(A)- L27, 90-(A)- L67, 91-(A)- L4, 91-(A)- L13, 91-(A)- L17, 91-(A)- L18, 91-(A)- L19, 91-(A)- L29, 91-(A)- L39, 91-(A)- L40, 91-(A)- L42, 91-(A)- L47, 91-(A)- L47A, 91-(A)- L48, 91-(A)- L48A, 91-(A)- L48A1, 91-(A)- L49A, 91-(A)- L61, 91-(A)- L121A, 91-(A)- L129, 91-(A)- L131, 91-(A)- L131A, 91-(A)- L132, 91-(A)- L132B, 91-(A)- L134, 91-(A)- L135, 91-(A)- L139, 91-(A)- L139A, 91-(A)- L154A, 91-(A)- L158, 91-(A)- L178, 91-(A)- L179, 91-(A)- L184B, 91-(A)- L194, 91-(A)- L194A, 91-(A)- L210, 91-(A)- L211, 91-(A)- L212, 92-(2)- L1, 92-(2)- L2, 92-(2)- L4, 92-(6)- L2, 92-(9)- L3, 92-(9)- L4A1, 92-(9)- L4B, 92-(A)- L4, 92-(A)- L34, 92-(A)- L43, 92-(A)- L47, 92-(A)- L55, 92-(A)- L63, 92-(A)- L64, 92-(A)- L70, 92-(A)- L75A, 92-(A)- L82, 92-(A)- L84, 92-(A)- L85, 92-(A)- L91, 92-(A)- L103, 92-(A)- L112, 92-(A)- L112A, 92-(A)- L113, 92-(A)- L114, 92-(A)- L115, 92-(A)- L116, 92-(A)- L117, 92-(A)- L118, 92-(A)- L119, 92-(A)- L124, 92-(A)- L125, 92-(A)- L142, 92-(A)- L144A, 92-(A)- L144A2, 92-(A)- L148, 92-(A)- L149, 92-(A)- L154, 92-(A)- L154A, 92-(A)- L165, 92-(A)- L170, 92-(A)- L171, 92-(A)- L174, ~~92-(A)- L174A~~, 93-(A)- L1, 93-(A)- L2, 93-(A)- L2B, 93-(A)- L3, 93-(A)- L4, 93-(A)- L4B, 93-(A)- L10, 93-(A)- L11A5, 93-(A)- L17, 93-(A)- L17B, 93-(A)- L23, 93-(A)- L45, 93A-(4)- L9, 93A-(5)- L6, 93A-(5)- L7, 93A-(5)- L9, 93A-(5)- L10, 93A-(5)- L11, 93A-(6)- L5, 107-(A)- L51A, 107-(A)- L52, and 108-(A)- L20.

Staff Recommendation: Approval

November 19, 2014

In October of 2013, the property line between parcels 92-(A)- L174 and 92-(A)- L174A was vacated, with Tax Map # 92-(A)- L174A deleted from the real estate records. This amendment corrects the description of the district without changing the total acreage or the general description. Staff recommends approval.

AFP14-275

AMENDMENT TO SECTION 17-510.02.

OF THE ZONING ORDINANCE OF

ROCKINGHAM COUNTY, VIRGINIA

Planning Commission Recommendation: Approval

December 2, 2014

As this amendment recognizes internal boundary adjustments that have not impacted the total land or the external boundaries of the district, the Commission recommends approval.



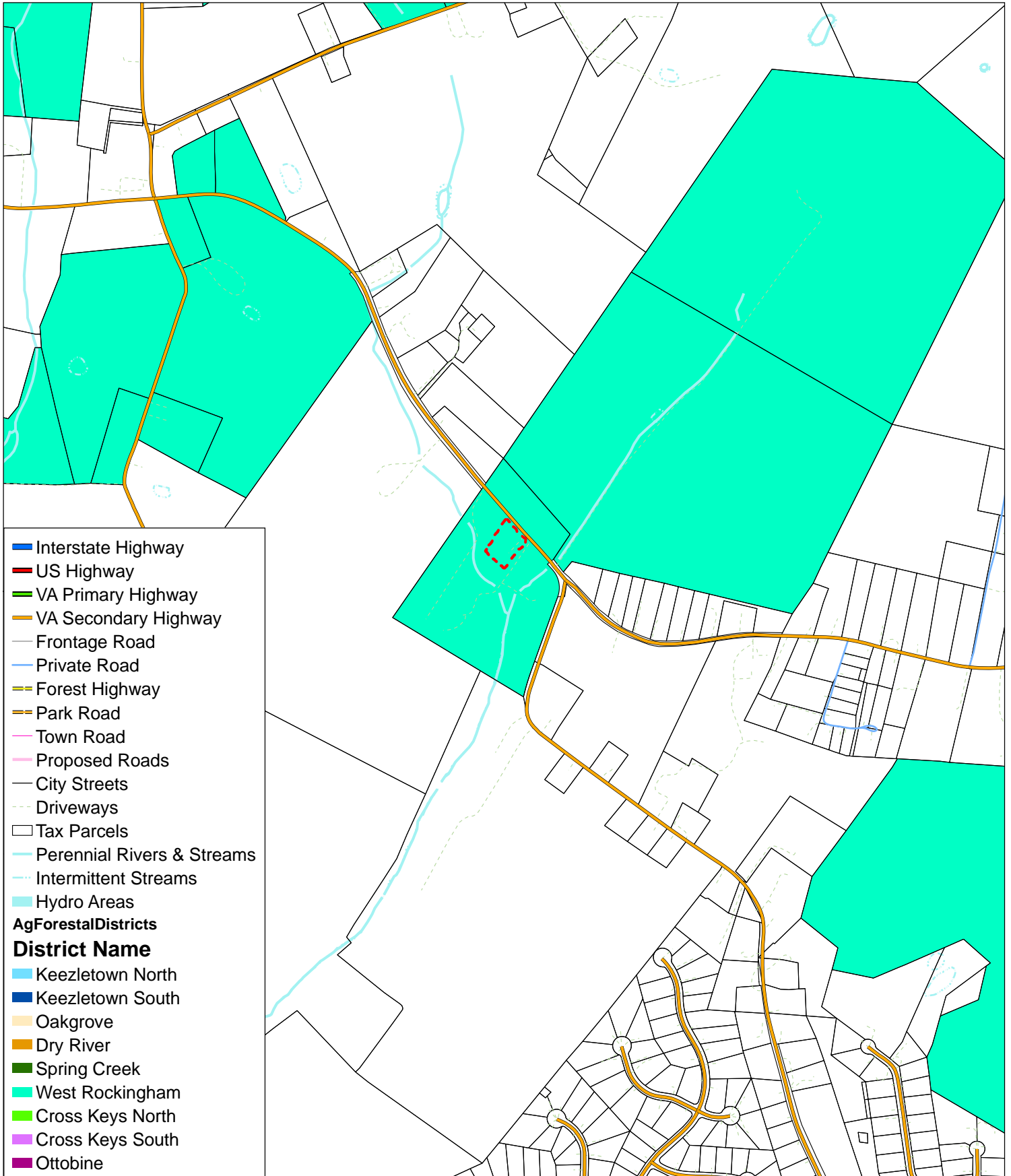
Rockingham County

Community Development Desktop GIS Browser

0 750 1,500 Feet



*Parcel information displayed on this map is currently under development. Rockingham County assumes no liability for any errors, omissions, or inaccuracies.



ORDINANCE REPEALING AND RE-ENACTING

SECTION 17-510.02.

OF THE CODE OF ORDINANCES OF

ROCKINGHAM COUNTY, VIRGINIA

BE IT ORDAINED BY THE BOARD OR SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Section 17-510.02. Western Rockingham Agricultural and Forestal District be and hereby is repealed and re-enacted as follows:

17-510.02. Description.

The Western Rockingham Agricultural and Forestal District shall consist of the following land: one hundred fifty-two (152) parcels spanning six thousand twenty-five (6,025) acres generally bounded on the south by Rawley Pike (Rt. 33), ranging within three hundred (300) feet of the Harrisonburg city limits in the southeast to George Washington National Forest in the northwest. In the north, the district extends to Greenmount Road and north of Chrisman Road. In the east, the district extends to Fort Lynne Road. In the west, the district extends to Whitmore Shop Road. The following parcels shown on county real estate maps, as of the effective date of this district, are numbered as:

61-(2)- L3, 61-(A)- L34, 61-(A)- L56, 76-(2)- L1, 76-(2)- L2, 76-(3)- L9, 76-(A)- L37, 76-(A)- L38A, 76-(A)- L39, 76-(A)- L39A, 76-(A)- L40, 76-(A)- L40A, 76-(A)- L41, 76-(A)- L41B, 76-(A)- L42, 76-(A)- L43, 76-(A)- L45, 76-(A)- L45A, 76-(A)- L47A, 76-(A)- L54, 76-(A)- L57, 76-(A)- L57B, 76-(A)- L57D, 77-(4)- L1, 77-(A)- L1, 77-(A)- L3, 77-(A)- L3A1, 77-(A)- L4A, 77-(A)- L5B, 77-(A)- L5B1, 77-(A)- L13A, 77-(A)- L21, 77-(A)- L21C, 77-(A)- L23B, 77-(A)- L23B3, 77-(A)- L28, 77-(A)- L29, 77-(A)- L36, 77-(A)- L55, 77-(A)- L101, 77-(A)- L101B, 77-(A)- L101B1, 77-(A)- L119, 77-(A)- L119C, 77-(A)- L128, 77-(A)- L129, 77-(A)- L131A, 77-(A)- L132, 78-(A)- L27, 90-(A)- L67, 91-(A)- L4, 91-(A)- L13, 91-(A)- L17, 91-(A)- L18, 91-(A)- L19, 91-(A)- L29, 91-(A)- L39, 91-(A)- L40, 91-(A)- L42, 91-(A)- L47, 91-(A)- L47A, 91-(A)- L48, 91-(A)- L48A, 91-(A)- L48A1, 91-(A)- L49A, 91-(A)- L61, 91-(A)- L121A, 91-(A)- L129, 91-(A)- L131, 91-(A)- L131A, 91-(A)- L132, 91-(A)- L132B, 91-(A)- L134, 91-(A)- L135, 91-(A)- L139, 91-(A)- L139A, 91-(A)- L154A, 91-(A)- L158, 91-(A)- L178, 91-(A)- L179, 91-(A)- L184B, 91-(A)- L194, 91-(A)- L194A, 91-(A)- L210, 91-(A)- L211, 91-(A)- L212, 92-(2)- L1, 92-(2)- L2, 92-(2)- L4, 92-(6)- L2, 92-(9)- L3, 92-(9)- L4A1, 92-(9)- L4B, 92-(A)- L4, 92-(A)- L34, 92-(A)- L43, 92-(A)- L47, 92-(A)- L55, 92-(A)- L63, 92-(A)- L64, 92-(A)- L70, 92-(A)- L75A, 92-(A)- L82, 92-(A)- L84, 92-(A)- L85, 92-(A)- L91, 92-(A)- L103, 92-(A)- L112, 92-(A)- L112A, 92-(A)- L113, 92-(A)- L114, 92-(A)- L115, 92-(A)- L116, 92-(A)- L117, 92-(A)- L118, 92-(A)- L119, 92-(A)- L124, 92-(A)- L125, 92-(A)- L142, 92-(A)- L144A, 92-(A)- L144A2, 92-(A)- L148, 92-(A)- L149, 92-(A)- L154, 92-(A)- L154A, 92-(A)- L165, 92-(A)- L170, 92-(A)- L171, 92-(A)- L174, 93-(A)- L1, 93-(A)- L2, 93-(A)- L2B, 93-(A)- L3, 93-(A)- L4, 93-(A)- L4B, 93-(A)- L10, 93-(A)- L11A5, 93-(A)- L17, 93-(A)- L17B, 93-(A)- L23, 93-(A)- L45, 93A-(4)- L9, 93A-(5)- L6, 93A-(5)- L7, 93A-(5)- L9, 93A-(5)- L10, 93A-(5)- L11, 93A-(6)- L5, 107-(A)- L51A, 107-(A)- L52, and 108-(A)- L20.

ORDINANCE REPEALING AND RE-ENACTING

SECTION 17-510.02.

OF THE CODE OF ORDINANCES OF

ROCKINGHAM COUNTY, VIRGINIA

Adopted the 14th day of January, 2015.

Aye Nay Abstain Absent

Supervisor Cuevas

Supervisor Eberly

Supervisor Chandler

Supervisor Kyger

Supervisor Breeden

Chairman of the Board of Supervisors

ATTESTE: _____
Clerk

**ORDINANCE ENACTING
AN ADDITION TO
TABLE 17-606
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Table 17-606 Land Use and Zoning Table be and hereby is amended as follows:

Table 17-606 Land Use and Zoning Table

RETAIL USES

Auction Facility

Add to A-1 zoning district by special use permit with supplemental standards (SU*)

This ordinance shall be effective from the ___ day of _____, 201__.

Adopted the ___ day of _____, 201__.

Signature Page

**ORDINANCE ENACTING AN ADDITION TO TABLE 17-606, LAND USE AND ZONING TABLE, RETAIL USES
JANUARY 28, 2015**

Aye

Nay

Abstain

Absent

Supervisor Cuevas
District One

Supervisor Eberly
District Two

Supervisor Chandler
District Three

Supervisor Kyger
District Four

Supervisor Breeden
District Five

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION APPROVAL

December 17, 2014

Produce auctions, livestock auctions, hay auctions, and other agricultural products auctions would logically be located in an agricultural district. The Code currently allows them by special use permit in the A-2 zoning district with supplemental standards, but auction facility was omitted in the A-1 zoning district. Staff recommends approval as these types of auctions should be treated the same in both agricultural districts.

PLANNING COMMISSION RECOMMENDATION

APPROVAL JANUARY 6, 2015

The Planning Commission concurred with staff's recommendation; and with a vote of 4 to 0 recommended approval of the amendment.

**ORDINANCE REPEALING
AND RE-ENACTING
A PORTION OF
SECTION 17-607
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That certain paragraph entitled **Auction facility**, included in Section 17-607 Supplemental Standards for Certain Land Uses be and hereby is repealed and re-enacted as follows:

Section 17-607 Supplemental Standards for Certain Land Uses

Auction facility

A. In the A-1 and A-2 zoning districts:

1. The auction facility shall only auction livestock or other agricultural products.
2. The minimum lot size on which the auction facility is located shall be 5 acres.
3. No structure shall be located closer than 50 feet to any lot line and no closer than 300 feet from any residence.
4. No livestock pens shall be located any closer than 300 feet from any property line.
5. The auction facility shall front on a state-maintained road unless the Board of Supervisors finds that the type and amount of traffic

generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety or road usage.

6. Outdoor public address system shall be utilized only between 7:00 a.m. and 9:00 p.m.
7. No item shall be located on the property for more than four (4) weeks unless stored in a building.

B. In the RV and B-1 zoning districts:

1. Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
2. All products and sales shall be fully contained indoors.
3. The use shall front on a state-maintained road.

This ordinance shall be effective from the ___ day of _____, 201__.

Adopted the ___ day of _____, 201__.

Aye

Nay

Abstain

Absent

Supervisor Cuevas
District One

Supervisor Eberly
District Two

Supervisor Chandler
District Three

Supervisor Kyger
District Four

Supervisor Breeden
District Five

Signature Page

ORDINANCE REPEALING AND RE-ENACTING A PORTION OF SECTION 17-607, SUPPLEMENTAL STANDARDS FOR CERTAIN LAND USES, AUCTION FACILITY

JANUARY 28, 2015

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION APPROVAL

December 17, 2014

This amendment would place the same supplemental standards on auction facilities in the A-1 zoning district as it does in the A-2 zoning district. The requirements should be consistent in both agricultural districts. Staff recommends approval.

PLANNING COMMISSION RECOMMENDATION

APPROVAL JANUARY 6, 2015

The Planning Commission concurred with staff's recommendation; and with a vote of 4 to 0 recommended approval of the amendment.

**ORDINANCE ENACTING
AN ADDITION TO
TABLE 17-606
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Table 17-606 Land Use and Zoning Table be and hereby is amended as follows:

Table 17-606 Land Use and Zoning Table

INSTITUTIONAL USES

Public safety facility

In the S-1 zoning district, change from SU (special use permit) to P (permitted)

This ordinance shall be effective from the ___ day of _____, 201__.

Adopted the ___ day of _____, 201__.

Signature Page

**ORDINANCE ENACTING AN ADDITION TO TABLE 17-606, LAND USE AND ZONING TABLE, INSTITUTIONAL USES
JANUARY 28, 2015**

Aye

Nay

Abstain

Absent

Supervisor Cuevas
District One

Supervisor Eberly
District Two

Supervisor Chandler
District Three

Supervisor Kyger
District Four

Supervisor Breeden
District Five

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION APPROVAL

December 17, 2014

Public service facilities are facilities used for public safety and emergency services, such as police, fire, or rescue stations. It is logical, therefore, that public service facilities would be permitted by right in the Public Service District. Staff recommends approval.

PLANNING COMMISSION RECOMMENDATION

APPROVAL JANUARY 6, 2015

The Planning Commission concurred with staff's recommendation; and with a vote of 4 to 0 recommended approval of the amendment.

**ORDINANCE REPEALING
AND RE-ENACTING
THE S-1, PUBLIC SERVICE PORTION OF
TABLE 17-805.01
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That the S-1, Public Service portion of Table 17-805.01 Area, Setback, and Height Standards – Conventional be and hereby is repealed and re-enacted as follows:

Table 17-805.01 Area, Setback, and Height Standards – Conventional
S-1 Public Service

Remove accessory structure requirements from the table

Structures or Uses by Zoning Districts	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Height
S-1, Public Service						
All structures or uses	Shall meet all regulatory agency requirements	--	Shall meet all regulatory agency requirements	Shall meet all regulatory agency requirements	Shall meet all regulatory agency requirements	Shall meet all regulatory agency requirements
Accessory structures, which are no greater square footage than	---	---	---	10 feet and in rear yard only	15 feet and in rear yard only	45 feet, or no higher than primary structure, whichever is less

Structures or Uses by Zoning Districts	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Height
primary- structure						

Signature Page

**ORDINANCE REPEALING AND RE-ENACTING THE S-1, PUBLIC SERVICE
PORTION OF TABLE 17-805.01 AREA, SETBACK, AND HEIGHT STANDARDS
– CONVENTIONAL S-1 PUBLIC SERVICE
JANUARY 28, 2015**

This ordinance shall be effective from the __ day of _____, 201__.

Adopted the __ day of _____, 201__.

Aye

Nay

Abstain

Absent

Supervisor Cuevas
District One

Supervisor Eberly
District Two

Supervisor Chandler
District Three

Supervisor Kyger
District Four

Supervisor Breeden
District Five

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION**APPROVAL****December 17, 2014**

In this table, the first line (or grouping) under the S-1, Public Service portion reads “all” structures. That line further gives the regulatory agency the authority to determine setbacks. The second line (or grouping) deals with accessory structures and has listed setbacks and height regulations. It was staff’s determination that if the regulatory agency can determine the primary building, it certainly should be permitted to determine setbacks for accessory structures. Additionally, these two categories contradict each other since the first category states “all buildings”. Staff recommends approval.

PLANNING COMMISSION RECOMMENDATION**APPROVAL****JANUARY 6, 2015**

The Planning Commission concurred with staff’s recommendation; and with a vote of 4 to 0 recommended approval of the amendment.

**ORDINANCE DELETING A USE
IN THE B-1 AND B-2 ZONING DISTRICTS
IN TABLE 17-606
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Table 17-606 Land Use and Zoning Table be and hereby is amended as follows:

Table 17-606 Land Use and Zoning Table

RESIDENTIAL USES

Apartment building

Remove as a use in the B-1 and B-2 zoning district.

This ordinance shall be effective from the __ day of _____, 201__.

Adopted the __ day of _____, 201__.

Signature Page

**ORDINANCE DELETING A USE IN THE B-1 AND B-2 ZONING DISTRICTS IN
TABLE 17-606, LAND USE AND ZONING TABLE, RESIDENTIAL USES
JANUARY 28, 2015**

Aye

Nay

Abstain

Absent

Supervisor Cuevas
District One

Supervisor Eberly
District Two

Supervisor Chandler
District Three

Supervisor Kyger
District Four

Supervisor Breeden
District Five

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION

APPROVAL

December 17, 2014

Commercial uses are the primary focus for the B-1 and B-2 zoning districts. It was the intention to allow an apartment accessory to a commercial use (See Dwelling, accessory apartment). However, apartment buildings would not be required to have any commercial component and therefore should not be in the conventional B-1 and B-2 zoning districts. Staff recommends approval.

PLANNING COMMISSION RECOMMENDATION

APPROVAL

JANUARY 6, 2015

The Planning Commission concurred with staff's recommendation; and with a vote of 4 to 0 recommended approval of the amendment.